

ORIGINAL



0000097795

**BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING  
COMMITTEE**

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY AND  
SOUTHWEST TRANSMISSION COOPERATIVE,  
INC. FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY FOR: (1) THE  
RECONFIGURATION OF AN EXISTING TEP 138  
KV LINE TO AN SWTC 115 KV LINE FROM THE  
EXISTING SAGUARO SUBSTATION IN SEC. 15,  
T.10S., R.10E. TO THE EXISTING TORTOLITA  
SUBSTATION IN SEC. 23, T.10S., R.10E., PINAL  
COUNTY, AND (2) THE RECONSTRUCTION OF  
TWO EXISTING TEP 138 KV LINES AND THE  
ADDITION OF ONE TEP 138 KV LINE AND ONE  
SWTC 115 KV LINE FROM THE EXISTING  
TORTOLITA SUBSTATION TO THE EXISTING  
NORTH LOOP SUBSTATION IN SEC. 9, T.12S.,  
R.12E. IN THE TOWN OF MARANA, PIMA  
COUNTY.

) Docket No. L-00000C-09-0385-00149  
) Docket No. L-00000CC-09-0385-00149

) Case No. 149

**NOTICE OF FILING E-MAIL  
COMMUNICATION**

The Chairman of the Arizona Power Plant and Transmission Line Siting Committee is  
providing notice of filing the attached e-mail communications that have occurred between  
the Parties to this case and the Chairman, up to this date.

DATED: August 13, 2009

John Foreman, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Attorney General  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

2009 AUG 13 P 12:05

RECEIVED

Arizona Corporation Commission

DOCKETED

AUG 13 2009

DOCKETED BY

1 Pursuant to A.A.C. R14-3-204,  
2 The Original and 25 copies were  
3 filed August 13, 2009 with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1200 W. Washington St.  
7 Phoenix, AZ 85007  
8

9 Copy of the above was mailed  
10 this 13<sup>th</sup> day of August, 2009 to:

11 Janice Alward, Chief Counsel  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, AZ 85007  
15 Counsel for Legal Division Staff

16 Jason Gellman  
17 J. Matthew Derstine  
18 Roshka, DeWulf & Patten, PLC  
19 One Arizona Center  
20 400 East Van Buren Street, Suite 800  
21 Phoenix, AZ 85004  
22 Counsel for Applicant, TEP

23 Michael Grant  
24 Gallagher & Kennedy, PA  
25 2575 East Camelback Road, Suite 1100  
26 Phoenix, AZ 85016  
Counsel for Applicant, SWTC

Lawrence V. Robertson, Jr.  
P.O. Box 1448  
2247 East Frontage Road  
Tubac, AZ 85646  
Counsel for Pinal County

1 Elizabeth Buchroeder-Webb  
2 17451 East Hilton Ranch Road  
3 Vail, AZ 85641

4 Marta T. Hetzer  
5 Arizona Reporting Service, Inc.  
6 2200 North Central Avenue  
7 Phoenix, Arizona 85004-1481

8 Jara Williams

**From:** "Jason D. Gellman" <jgellman@rdp-law.com>  
**To:** <Susan.Ellis@azag.gov>  
**Date:** 7/14/2009 4:04 PM  
**Subject:** Line Siting Pre-Filing Conference - TEP/SWTC Saguaro to North Loop Application

**CC:** <MMG@gknet.com>, <TubacLawyer@aol.com>, "Vail Arizona" <vailaz@hotmail.c...  
Ms. Ellis,

Good afternoon. Tucson Electric Power Company and Southwest Transmission Cooperative, Inc. anticipates filing an application for what has been listed as the

Saguaro-Naviska-Thornycroft-North Loop Project on the Upcoming Line Siting Filings List on or before July 31, 2009. We would like to schedule a pre-filing conference before doing so. We have been in touch with Larry Robertson, counsel for Pinal County who will likely be an intervener in this case, as well as Ms. Webb who indicated an interest in possibly intervening. We understand that there is a procedural conference on July 24 at 2 p.m. I was wondering if a pre-filing conference could be schedule in this matter on the same day at 11 a.m., so that parties south and east of Tucson could make the drive up in enough time to appear. If not, the morning of July 23 and the afternoon of July 27 would also be feasible for the Applicants.

Mr. Derstine will be out of town on those days, so if there would be a way for him to appear telephonically, we would greatly appreciate that. I would be appearing in person for TEP. Mike Grant from Gallagher & Kennedy would be appearing for SWTC. Many thanks for your assistance.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**From:** Susan Ellis  
**To:** Gellman, Jason D.  
**Date:** 7/15/2009 9:04 AM  
**Subject:** Re: Line Siting Pre-Filing Conference - TEN/SWTC Saguaro to North Loop Application

Mr. Gellman: Per our conversation, we have confirmed **Monday, July 27th at 2:00 p.m.** for the Pre-Filing Conference. Additionally, the number for Mr. Destine to appear telephonically is **(602) 542-7704.**

Thank you, Susie

Susie Ellis  
Office of the Arizona Attorney General  
Antitrust Unit  
1275 W. Washington  
Phoenix, AZ 85007-2926  
Tel: (602) 542-7764  
Fax: (602) 542-9088  
susan.ellis@azag.gov

>>> "Jason D. Gellman" <[jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)> 7/14/2009 4:04 PM >>>  
Ms. Ellis,

Good afternoon. Tucson Electric Power Company and Southwest Transmission Cooperative, Inc. anticipates filing an application for what has been listed as the

Saguaro-Naviska-Thornsdale-North Loop Project on the Upcoming Line Siting Filings List on or before July 31, 2009. We would like to schedule a pre-filing conference before doing so. We have been in touch with Larry Robertson, counsel for Pinal County who will likely be an intervener in this case, as well as Ms. Webb who indicated an interest in possibly intervening. We understand that there is a procedural conference on July 24 at 2 p.m. I was wondering if a pre-filing conference could be schedule in this matter on the same day at 11 a.m., so that parties south and east of Tucson could make the drive up in enough time to appear. If not, the morning of July 23 and the afternoon of July 27 would also be feasible for the Applicants.

Mr. Derstine will be out of town on those days, so if there would be a way for him to appear telephonically, we would greatly appreciate that. I would be appearing in person for TEP. Mike Grant from Gallagher & Kennedy would be appearing for SWTC. Many thanks for your assistance.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

**From:** "Mary Ippolito" <mippolito@rdp-law.com>  
**To:** <tbolton@land.az.gov>, <rojeda@land.az.gov>, <manny.gonzalez@pinalcounty...>  
**Date:** 7/15/2009 11:56 AM  
**Subject:** Notice of Prefiling Conference  
**Attachments:** Notification re Procedural Conference.pdf

**CC:** "Jason D. Gellman" <jgellman@rdp-law.com>, "Matt Derstine" <mderstine@rd...>

Attached is a letter notifying you of a Prefiling Conference set for July 27, 2009 at 2:00 p.m. at the Attorney General's Office, 1275 West Washington, Phoenix, Arizona 85007 regarding an upcoming linesiting filing to be made by Tucson Electric Power Company and Southwest Transmission Cooperative, Inc.

If you have any questions, please let me know.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com

## ROSHKA DEWULF & PATTEN

ROSHKA DEWULF & PATTEN, PLC  
ATTORNEYS AT LAW  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET  
SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

July 15, 2009

Sent Via E-Mail and U.S. Mail

Kevin Kish  
Director of Planning, Town of Marana  
Marana Municipal Complex  
11555 West Civic Center Drive  
Marana, AZ 85653

Manuel T. Gonzalez  
Assistant County Manager  
Pinal County  
Administrative Services  
P.O. Box 827  
31 North Pinal Street, Bldg A,  
2<sup>nd</sup> Floor  
Florence, Arizona 85232

Arlan Colton, Planning Official  
Pima County Planning Division  
201 N. Stone, 2<sup>nd</sup> Floor  
Tucson, AZ 85701

Timothy Bolton  
Principal Planner  
Arizona State Land Department  
177 North Church Avenue,  
Suite 1100  
Tucson, AZ 85701

Janice Alward  
Chief Counsel  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Gilbert Davidson, Town Manager  
Town of Marana  
Marana Municipal Complex  
11555 West Civic Center Drive  
Marana, AZ 85653

C.H. Huckelberry, County  
Administrator  
Pima County Governmental Center  
130 West Congress Street  
Tucson, AZ 85701-1317

Ruben Ojeda  
Right of Way Manager  
Arizona State Land Department  
Right of Way Division  
1616 West Adams  
Phoenix, AZ 85007

Ernest Johnson  
Utilities Division Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Elizabeth Buchroeder-Webb  
17451 East Hilton Ranch Road  
Vail, AZ 85641

ROSHKA DEWULF & PATTEN

Re: IN THE MATTER OF THE APPLICATION OF TUCSON ELECTRIC POWER COMPANY AND SOUTHWEST TRANSMISSION COOPERATIVE, INC. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY FOR: (1) THE RECONFIGURATION OF AN EXISTING TEP 138 kV LINE TO AN SWTC 115 kV LINE FROM THE EXISTING SAGUARO SUBSTATION IN SEC. 15, T.10S., R.10E. TO THE EXISTING TORTOLITA SUBSTATION IN SEC. 23, T.10S., R.10E., PINAL COUNTY, AND (2) THE RECONFIGURATION OF TWO EXISTING TEP 138 kV LINES AND THE ADDITION OF ONE TEP 138 kV LINE AND ONE SWTC 115 kV LINE FROM THE EXISTING TORTOLITA SUBSTATION TO THE EXISTING NORTH LOOP SUBSTATION IN SEC. 9, T.12S., R.12E. IN THE TOWN OF MARANA, PIMA COUNTY.

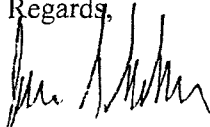
To Whom It May Concern:

The purpose of this letter is to provide notice that Tucson Electric Power Company ("TEP") and Southwest Transmission Cooperative, Inc. ("SWTC") Inc. will soon be filing their Application to the Arizona Corporation Commission ("Commission") for approval of the above-captioned Project. This Application is being filed pursuant to A.R.S. §§ 40-360 through 40-360.13, and A.A.C. R14-3-201 through R14-2-219 and will be heard by the Arizona Power Plant and Transmission Line Siting Committee ("Committee"). TEP and SWTC intend to file that Application by the end of July, 2009.

To that end, TEP and SWTC have scheduled with Committee Chairman John Foreman a pre-filing conference to take place Monday, July 27, 2009 at 2:00 p.m. at 1275 West Washington Street, Phoenix, Arizona 85007. The Companies believe you may be interested in intervening and participating in the hearings before the Committee. Should you be interested in intending the pre-filing conference, please contact Tara Williams ([tara.williams@azag.gov](mailto:tara.williams@azag.gov)) at the Arizona Attorney General's Office.

Please contact me at (602) 256-6100, if you have any questions or concerns.

Regards,



Jason D. Gellman

JDG/mi

cc: Marcus Jerden  
Lawrence V. Robertson, Jr.  
Michael G. Grant



**From:** <TubacLawyer@aol.com>  
**To:** <John.Foreman@AZAG.GOV>  
**Date:** 7/20/2009 3:01 PM  
**Subject:** Re: Saguaro to North Loop Project - Pre-filing Conference  
**CC:** <jgellman@rdp-law.com>, <JAlward@azcc.gov>, <vailaz@hotmail.com>, <CHain...

Chairman Foreman,

The purpose of this email is to inquire as to whether it would be possible to participate in the above-referenced Pre-filing Procedural Conference on July 27, 2009 by telephone. I currently have no other professional matters that would occasion my being in Phoenix on that same day; and, accordingly, I would like to minimize the expense of my services to my client as much as possible.

Thank you in advance for your consideration of this request. In the event it is possible to participate telephonically, I would also appreciate receiving details as to a call-in telephone number.

Larry Robertson  
Attorney for Pinal County

In a message dated 7/15/2009 9:02:42 AM US Mountain Standard Time, jgellman@rdp-law.com writes:

All,

I have heard from the Chairman's office and it appears the only date he has available for the Pre-filing Conference is Monday, July 27, at 2:00 p.m. So, we have scheduled that date. Please let me know if you have any questions. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: \_jgellman@rdp-law.com\_ (mailto:jgellman@rdp-law.com)

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*

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\*\*\*\*\*What's for dinner tonight? Find quick and easy dinner ideas for any occasion.

(<http://food.aol.com/dinner-tonight?ncid=emlcntusfood00000009>)

**From:** John Foreman  
**To:** TubacLawyer@aol.com  
**Date:** 7/23/2009 9:31 AM  
**Subject:** Re: Fwd: Saguaro to North Loop Project - Pre-filing Conference

**CC:** CHains@azcc.gov; JAlward@azcc.gov; jgellman@rdp-law.com; mderstine@rd...

Mr. Robertson,

I have been at the hearing in #145/#146 in Wellton and was not able to promptly respond to your earlier e-mail. I have no problem with you or Ms. Webb appearing by phone. However, I do not know if we have a technology problem with having more than one party appear by phone. I will have Tara check and get back to you this morning.

John Foreman  
Assistant Arizona Attorney General  
Chair, Arizona Power Plant and Transmission Line Siting Committee  
1275 W. Washington  
Phoenix, AZ 85007  
Tel: 602-542-7902  
FAX: 602-542-4377  
john.foreman@azag.gov

In order to avoid any potential question about an Open Meetings Law violation, please do not reply to any of the recipients of this e-mail except the sender.

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>>> <TubacLawyer@aol.com> 7/22/2009 4:44 PM >>>  
Chairman Foreman:

Set forth below is an email I sent to you on July 20, 2009 inquiring as to the possibility of participating in the above-referenced Pre-Filing Procedural Conference by telephone. By means of this email, I would like to renew that inquiry at this time inasmuch as I need to plan my schedule for next Monday.

In connection with the foregoing inquiry, Ms. Elizabeth Webb stated to me at the end of a meeting today on another matter that she also would like to participate by telephone next Monday, if possible. Accordingly, I am communicating her interest to you as well by means of this email, and copying her on the same.

Thank you in advance for your consideration of this request.

Larry Robertson

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*

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or damage arising in any way from its use.

\*\*\*\*\*What's for dinner tonight? Find quick and easy dinner ideas  
for any occasion.

(<http://food.aol.com/dinner-tonight?ncid=emlcntusfood00000009>)

**From:** Tara Williams  
**To:** J Derstine; Lawrence Robertson; vailaz@hotmail.com  
**Date:** 7/23/2009 9:34 AM  
**Subject:** July 27th Conference - Phone Number

To access the conference room on July 27th, please call **866-751-5726**, and the room number is **\*7115248\***. The star key must be entered before and after the room number. Please call a few minutes prior to 2 PM to gain access before the meeting goes on the record.

Please contact me if you have any questions.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** "Jason D. Gellman" <jgellman@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 7/23/2009 2:25 PM  
**Subject:** RE: July 27th Conference - Phone Number

Much appreciated. Thanks.

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thursday, July 23, 2009 2:25 PM  
To: Jason D. Gellman  
Subject: Fwd: July 27th Conference - Phone Number

Mr. Gellman,

I meant to copy you on the e-mail below. It was sent to Mr. Derstine, Mr. Robertson and Ms. Webb. The phone number has changed to accommodate the multiple callers.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> Tara Williams 7/23/2009 9:34 AM >>>  
To access the conference room on July 27th, please call 866-751-5726, and the room number is \*7115248\*. The star key must be entered before and after the room number. Please call a few minutes prior to 2 PM to gain access before the meeting goes on the record.

Please contact me if you have any questions.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** "Vail Arizona" <vailaz@hotmail.com>  
**To:** "Tara Williams(ATGen)" <tara.williams@azag.gov>, <tubaclawyer@aol.com>, ...  
**Date:** 7/24/2009 8:54 AM  
**Subject:** RE: July 27th Conference - Phone Number

Ms. Williams,

Please accept this email as confirmation that I will attend the conference telephonically rather than in person.

Thank you!

Elizabeth Webb  
Concerned Citizen  
Vail Arizona, 85641  
(520) 247-3838

Area Information:  
Vail Preservation Society [www.vailpreservationsociety.com](http://www.vailpreservationsociety.com)  
Hilton Road Community Association [www.hiltonroad.com](http://www.hiltonroad.com)  
Arizona SR 83 [www.azhighway83.com](http://www.azhighway83.com)  
Empire Fagan-Coalition [www.empirefagan.org](http://www.empirefagan.org)

Vail Area Info. [vailaz@hotmail.com](mailto:vailaz@hotmail.com)

Quote for the Day:

"I would much rather have regrets about not doing what people said, than regretting not doing what my heart led me to and wondering what life had been like if I'd just been myself." Brittany Renee

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> From: Tara.Williams@azag.gov  
> To: TubacLawyer@aol.com; vailaz@hotmail.com; mderstine@rdp-law.com  
> Date: Thu, 23 Jul 2009 09:34:43 -0700  
> Subject: July 27th Conference - Phone Number  
>



> To access the conference room on July 27th, please call 866-751-5726, and the room number is \*7115248\*. The star key must be entered before and after the room number. Please call a few minutes prior to 2 PM to gain access before the meeting goes on the record.

>

> Please contact me if you have any questions.

>

> Thank you,

> Tara Williams

> Assistant

> Consumer Protection & Advocacy Section

> Office of the Attorney General

> Tel: (602) 542-7759

> Fax: (602) 542-4377

> tara.williams@azag.gov

>

>

>

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>

>

**From:** "Mary Ippolito" <mippolito@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 7/27/2009 1:27 PM  
**Subject:** RE: FW: Pre-Filing Conference

Thanks!!

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Monday, July 27, 2009 1:27 PM  
To: Mary Ippolito  
Subject: Re: FW: Pre-Filing Conference

Thank you Mary. I'll do that for all of the filings for the case.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Mary Ippolito" <mippolito@rdp-law.com> 7/27/2009 1:24 PM >>>  
Tara

The email below was forwarded to Roshka DeWulf & Patten by Matt Derstine of Roshka DeWulf & Patten who happens to be on vacation.

I have been requested to ask you to make sure any emails concerning any Tucson Electric Power Company or UNS Electric line siting issues are also sent to the following:

jgellman@rdp-law.com  
mippolito@rdp-law.com  
mjerden@tep.com

In this particular line siting case that is the topic of the pre-filing conference, please also include Mike Grant at mmg@gknet.com

Thank you.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com

-----Original Message-----  
From: Jason D. Gellman  
Sent: Monday, July 27, 2009 1:17 PM  
To: Mary Ippolito  
Subject: FW: Pre-Filing Conference

-----Original Message-----  
From: Matt Derstine  
Sent: Monday, July 27, 2009 1:16 PM  
To: Jason D. Gellman  
Subject: Fw: Pre-Filing Conference

----- Original Message -----  
From: Tara Williams <Tara.Williams@azag.gov>  
To: Lawrence Robertson <TubacLawyer@aol.com>; Elizabeth Webb <vailaz@hotmail.com>; Matt Derstine  
Sent: Mon Jul 27 11:21:47 2009  
Subject: Pre-Filing Conference

I have attached two documents which will be discussed today at the conference. Please let me know if you have any questions.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section

Office of the Attorney General

Tel: (602) 542-7759

Fax: (602) 542-4377

tara.williams@azag.gov

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1 **BEFORE THE ARIZONA POWER PLANT AND**  
2 **TRANSMISSION LINE SITING COMMITTEE**

3 IN THE MATTER OF THE APPLICATION OF ????? ) Arizona Corporation Commission  
4 , IN CONFORMANCE WITH THE REQUIREMENTS )  
5 OF ARIZONA REVISED STATUTES §§ 40-360, *et* ) Docket No. L-00000?  
6 *seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL )  
7 COMPATIBILITY AUTHORIZING THE ) Case No.  
8 CONSTRUCTION OF ????? TRANSMISSION LINE )  
9 UPGRADE PROJECT, ORIGINATING AT THE )  
10 EXISTING ?????COUNTY, TO THE EXISTING )  
11 ??????COUNTY, ARIZONA. )  
12 )  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )

11 **PROCEDURAL ORDER**

12  
13 An application for a Certificate of Environmental Compatibility was filed in the  
14 above captioned matter with docket control of the Arizona Corporation Commission  
15 ("Commission") on June 5, 2009. A copy of the application was transmitted to John  
16 Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman  
17 ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line  
Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B)(1) and 40-360.03.  
As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E),  
the Chairman issues the following procedural order,

18 **IT IS ORDERED:**

- 19 1. The Applicant and all other potential parties ("persons" within the meaning of  
20 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
21 A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time  
22 of the pre-hearing conference scheduled below if they disagree that the time limit  
for decision on the application by the Line Siting Committee set by A.R.S. §  
40.360.04(D) is October 19, 2009.
- 23 2. All "persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or  
24 request to intervene pursuant to A.R.S. § 40-360.05(A) that are listed as parties  
25 or potential parties on pleadings or procedural orders filed by the Applicant or the  
26 Chairman shall notify docket control of their desire to receive pleadings and  
orders in this matter and shall regularly review the docket control file in this  
matter to make sure they have received all pleadings and procedural orders  
relating to this case. Neither the Line Siting Committee nor the Chairman has the

authority to direct docket control to send one of the 25 copies of pleadings and procedural orders filed with docket control to prospective parties.

3. The Applicant shall arrange for the publication and posting of notice of the evidentiary hearing, as agreed to at the pre-application hearing involving the Applicant and all known potential intervenors, in a form approved by the Chairman and circulated for approval as to form to all known potential interested parties. In addition, the Applicant shall submit a copy of the notice and present testimony describing the publication and posting of the notice at the evidentiary hearing.
4. The Applicant shall make arrangements for the evidentiary hearing to be held at the [date], at 9:30 a.m. and continuing on [date], beginning at 8:30 a.m., and continuing, if needed, on [date], at 9:30 a.m. In addition, the Applicant shall make arrangements for a public comment session to be held at the same venue starting at 6:00 p.m. on [date]. The Applicant shall make arrangements for further regular sessions, if needed, and additional public comment sessions, if needed, on dates and at times to be determined later.
5. The Applicant shall contact Michael Kearns, Chief Finance Officer of the Commission (602-542-3931), and advise him of the Applicant's position concerning reimbursement of the Line Siting Fund should the expenses of the hearings exceed the application fee, and to discuss financial arrangements regarding hotel reservations and other expenses of the Line Siting Committee Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the results of these discussions so the necessary information may be communicated to the Line Siting Committee Members.
6. The Applicant and all other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall meet and confer, on or before the beginning of the evidentiary hearing to determine whether any of the intervening parties have similar interests in the application process that will allow them jointly to present testimony on direct or cross-examination of witnesses or jointly to offer exhibits into evidence. The Applicant shall, and any other potential party may, report to the Chairman the results of the attempts of the parties to resolve the issues and to determine if common interests exist that will allow parties to jointly present evidence and argument or to avoid repetition of testimony and argument at the hearing.
7. The parties and any other potential parties ("persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line Siting Committee about any procedural matters or any factual issues or legal

1 issues relating to the Application while the Application is pending before the Line  
2 Siting Committee. The only exception is the parties may communicate with the  
3 Chairman, during the time the Application is pending, about procedural matters  
4 relating to the preparation of the Application for hearing, the hearing on the  
5 Application and the decision on the Application by the Line Siting Committee.  
6 Communication of the parties with the Chairman about any procedural matters,  
7 during the time an Application is pending, shall be in writing with a copy of the  
8 writing to all parties or known potential parties ("persons" within the meaning of  
9 A.R.S. § 40-360(8) who have expressed an intention to intervene or request to  
10 intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-  
11 application hearing, at a procedural hearing or at the hearing on the application.  
12 Any party who initiates any written communication sent to the Chairman shall  
13 file, with docket control of the Commission, a copy of the communication,  
14 including its distribution list, within 10 days of sending the communication.

8. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall  
submit, at least forty-eight hours before the hearing or meeting described in the  
agenda, any objections, additions or corrections to the agenda, in order to bring  
the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,  
serve a copy upon all other parties and file a copy with docket control of the  
Commission.
9. In addition, all parties shall meet and confer as needed before, during and after  
the hearing to attempt to resolve any disputes amongst the parties. The parties  
also shall keep all other parties advised of their positions and intentions with  
regard to the presentation of evidence, witnesses and the application process in  
general to avoid delay, the presentation of repetitive evidence and any unfair  
advantage from surprise.
10. All parties shall prepare brief summaries of the expected direct testimony of each  
witness they will call. In lieu of a testimonial summary, a party may pre-file and  
exchange all or substantially all of the direct testimony of any witness.  
Testimonial summaries and pre-filed testimony should be filed no later than the  
last pre-hearing conference or three business days before the witness is to  
testify, whichever is later. Except for good cause, no witness will be allowed to  
testify on direct examination concerning issues not reasonably identified in the  
pre-filed testimony or testimonial summary.
11. All parties shall meet, confer and exchange all exhibits the party plans to offer in  
evidence before the hearing or before they are referred to in testimony or offered  
in evidence. The Applicant shall, and other parties may, provide one or more  
three ring binders for the Chairman and each member of the Line Siting  
Committee to hold exhibits at the beginning of the hearing and as needed during  
the hearing. Each party shall prepare a numbered list of the exhibits and a copy  
of all exhibits suitable for placement in the binders that have been exchanged  
with the other parties that each party expects to offer in evidence at the hearing

1 for the Chairman and each Line Siting Committee member. The exhibits shall be  
2 provided at the beginning of the hearing and during the hearing before reference  
3 to the exhibit is made in the hearing. Except for good cause, no exhibit that was  
4 not exchanged with the other parties shall be considered at the hearing. Any  
5 exhibit to which reference is made during any hearing that is not offered or  
6 admitted into evidence shall be provided to the court reporter at the evidentiary  
7 hearing for inclusion in the record unless it is withdrawn, and the Chairman  
8 determines its filing is not necessary to an understanding of the actions of the  
9 Committee.

10 12. All exhibits shall be consecutively numbered with the Applicant's exhibits  
11 denominated: ?-1, ?-2, etc. Each intervening party will be assigned by the  
12 Chairman a letter or letters of the alphabet as a preface with which to  
13 consecutively number its exhibits. For example, the Commission Staff will  
14 number its exhibits: CC-1, CC-2, etc.

15 13. The Applicant may make an opening statement at the beginning of the hearing of  
16 no more than thirty minutes. Each other party may make an opening statement  
17 of no more than five minutes.

18 14. Public comment will be heard after the opening statements and at other times set  
19 by the Chairman during the hearing. See ¶ 3, above.

20 15. In the event the Chairman determines that a tour is appropriate, the Applicant  
21 shall arrange for transportation of any Committee Members who wish to attend a  
22 tour of the locations where facilities proposed in the application or similar facilities  
23 are located. If a tour is held, it will begin at ??? am on ???, 2009. The  
24 Applicant shall submit to the Chairman, for approval in advance of the hearing, a  
25 schedule and protocol agreed to by all parties for the tour. If all parties do not  
26 agree upon the schedule and protocol for the tour, the disagreements shall be  
submitted to the Chairman for resolution. The protocol shall identify the tour  
route, identify the location of any stops, and identify any witnesses who will  
accompany the tour. Counsel may ask brief explanatory questions of the  
identified witness or witnesses during the stops about the location, what can be  
seen from the location of the stop and the relevance of the location or view to the  
Application in the discretion of the Chairman. All witnesses who testify on the tour  
shall be sworn before their testimony. All questions and answers shall be before  
a court reporter. No testimony or discussion with or between Committee  
Members about the Application or matters relating to the Application will take  
place, except on the record before a court reporter at the designated stops. The  
protocol shall provide for access to any testimony presented at stops on a tour to  
members of the public. Members of the public who wish to attend the tour shall  
be encouraged to notify the parties or the appropriate staff of Arizona  
Corporation Commission in advance of their intention to attend.



- 1 16. Parties may present their witnesses in panels where appropriate. A party that  
2 intends to present witnesses in panels shall identify the members of any panel at  
the time it files its witness summaries.
- 3 17. The Applicant shall make arrangements for the preparation of expedited court  
4 reporter transcripts of all pre-application hearings, pre-hearing procedural  
5 hearings and the evidentiary hearing, so that the transcripts are available for  
6 public inspection within three working days after each hearing date, as required  
7 by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a  
certification with Commission docket control that it has provided a copy of the  
transcripts to at least two public libraries identified in the certification that are in  
the vicinity of the application.
- 8 18. On or before the final pre-hearing procedural hearing set below, the Applicant  
9 shall, and the other parties may, file proposed findings of fact, proposed  
10 conclusions of law, the wording of any proposed Certificate of Environmental  
Compatibility and the wording of any proposed conditions to the Certificate.
- 11 19. If the beginning of closing arguments and the Line Siting Committee's  
12 deliberations are more than one week after the beginning of the hearing, the  
13 parties shall meet and confer after the hearing begins and before closing  
14 arguments concerning proposed findings of fact, proposed conclusions of law, a  
15 proposed Certificate of Environmental Compatibility and the wording of any  
16 proposed conditions to the Certificate. If the parties are able to agree upon part  
17 or all of the proposed findings of fact, proposed conclusions of law, proposed  
18 forms of a Certificate of Environmental Compatibility and proposed wording of  
19 conditions to the Certificate, all that is agreed upon should be reduced to writing  
and filed with Commission docket control. If the parties are not able to agree  
completely, the Applicant shall, and all other parties may, file proposed findings  
of fact, proposed conclusions of law, proposed wording of a Certificate of  
Environmental Compatibility and proposed wording of conditions to the  
Certificate on the day before the beginning of closing arguments and the Line  
Siting Committee's deliberations.
- 20 20. If the Applicant or any other party proposes conditions based upon conditions  
21 used in prior cases, each proposed condition from a prior case shall contain the  
22 case number of the most recent prior Certificate of Environmental Compatibility  
using the language approved by the Commission.
- 23 21. All witness summaries, proposed findings of fact, proposed conclusions of law,  
24 proposed Certificates of Environmental Compatibility and proposed conditions of  
25 Certificates, shall be filed with Commission docket control pursuant to A.A.C.  
26 R14-3-204 and -205. If any documents that are filed are hand delivered during

1 the hearing, eleven copies shall be submitted to the Chairman for distribution to  
2 the other Committee Members.

3 22. Within five business days after the hearing concludes and the Committee renders  
4 its decision, the parties shall meet and confer in person or electronically to  
5 determine if they can agree upon the final wording of a proposed Certificate of  
6 Environmental Compatibility. If the parties can agree upon the final wording of a  
7 proposed Certificate of Environmental Compatibility, Applicant shall file forthwith  
8 the agreed upon proposed Certificate of Environmental Compatibility to the  
9 Chairman for signature. If the parties are not able to agree upon a proposed  
10 form of Certificate of Environmental Compatibility, the Applicant shall file, and  
11 the other parties may file, within ten days after the date of the decision of the  
12 Committee, those portions of the proposed Certificate of Environmental  
13 Compatibility upon which the parties agree. The Applicant also shall file, and any  
14 other party also may file, its understanding of any disputed portions of the  
15 proposed Certificate of Environmental Compatibility. All proposed forms of the  
16 Certificate of Environmental Compatibility and any objections or proposed  
17 revisions shall be filed with docket control of the Commission, and a copy shall  
18 be hand delivered to the office of the Chairman at 1275 W. Washington,  
19 Phoenix, Arizona. Objections or suggestions that are not timely filed shall be  
20 considered waived. The copy of the proposed Certificate of Environmental  
21 Compatibility filed by the Applicant and any proposed revisions filed by the  
22 parties that are served upon the Chairman shall include an electronic file  
23 containing the wording of the proposed language in a format compatible with  
24 Microsoft® Word word processing program.

25 23. The Applicant and all other potential parties ("persons" within the meaning of  
26 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing  
conference on [date] beginning at [time] at the offices of the Attorney General of  
Arizona at 1275 W. Washington, Phoenix, Arizona. Parties may appear by  
telephone with the prior permission of the Chairman. At the final pre-hearing  
conference, the Chairman will review with the parties:

- a. The publication and posting of notices of the hearing;
- b. The proposed agenda for the evidentiary hearing;
- c. Any notices to intervene, applications to intervene, and applications to make a limited appearance;
- d. The status of attempts to narrow the issues at the evidentiary hearing or to agree to language in the proposed findings of fact, proposed conclusions of law, proposed Certificates of Environmental Compatibility and proposed conditions to the Certificate;

- 1 e. The status of the filing and exchange of witness summaries or written  
2 testimony, proposed findings of fact, proposed conclusions of law,  
3 proposed Certificates of Environmental Compatibility and proposed  
4 conditions to the Certificate;  
5 f. The status of the exchange of exhibits amongst the parties;  
6 g. Any objections, motions, responses and legal memoranda that have been  
7 filed;  
8 h. Plans and preparations for the hearing, public comment session, and tour  
9 of the proposed site.

10  
11 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of  
12 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing  
13 conference or at a hearing.

14  
15 DATED this ??<sup>th</sup> day of ????, 2009

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26  

---

John Foreman  
Assistant Attorney General  
Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
[john.foreman@azag.gov](mailto:john.foreman@azag.gov)

20 Pursuant to A.A.C. R14-3-204,  
21 The Original and 25 copies were  
22 filed this ??<sup>th</sup> day of ????, 2009 with:

23 Docket Control  
24 Arizona Corporation Commission  
25 1200 W. Washington St.  
26 Phoenix, AZ 85007

1 Copy of the above mailed  
2 this ??<sup>th</sup> day of ????, 2009 to:

3 Janice Alward, Chief Counsel  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, AZ 85007  
Counsel for Legal Division Staff

7 ?????  
8 ?????

9 Marta T. Hetzer  
10 Arizona Reporting Service, Inc.  
11 2200 North Central Avenue  
12 Phoenix, AZ 85004-1481  
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[These are draft conditions to be attached to a proposed Certificate of Environmental Compatibility for consideration by the parties to hearings. They should be considered as a starting point not necessarily an ending point for the discussions the parties are required to hold before and during a hearing concerning the final form of the CEC. Not all draft conditions are appropriate for each case. If the parties agree to use or a party individually wishes to propose different language based upon the language used in a prior CEC approved by the Committee or Commission, please indicate which case the language was taken from and by whom it was approved.]

### **CONDITIONS**

This Certificate is granted upon the following conditions:

1. The Applicant shall obtain all approvals and permits required by the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction necessary to construct the Project.
2. The Applicant shall comply with all existing applicable statutes, ordinances, master plans and regulations of the United States, the State of Arizona, the County of [county], and any other governmental entities having jurisdiction during the construction and operation of the transmission line [power plant].
3. If any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during the construction or operation of the transmission line [power plant], the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery as required by A.R.S. § 41-844.

4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the transmission line [power plant], the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum as required by A.R.S. § 41-865.
5. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of the transmission line [power plant].
6. The Applicant shall not assign this Certificate or its interest in the Project authorized by this Certificate without prior approval of the Commission. Any assignment of this Certificate shall require the assignee to assume all responsibilities of the Applicant listed in this Certificate.
7. This authorization to construct this Project shall expire five years from the date the Certificate is approved by the Commission unless the transmission line [power plant] is capable of operation. However, prior to expiration, the Applicant or its assignees may request that the Commission extend this time limitation.
8. In the event that the Project requires an extension of the term of this Certificate prior to completion of construction, Applicant shall use reasonable means to notify all landowners and residents within one mile of the Project corridor [location], all persons who made public comment at this proceeding, and all parties to this proceeding of the

request and the date, time and place of the hearing in which the Commission will consider the request for extension.

9. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the transmission lines and related facilities addressed in this Certificate. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributable to operation, together with the corrective action taken in response to each complaint. All complaints shall be recorded to include notations on the corrective action taken. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained. Upon request, the written records shall be provided to the Staff of the Commission.
10. Within 120 days of the Commission decision granting this Certificate, Applicant will post signs in public rights-of-way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals such that the public is notified along the full length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:
  - (a) That the site has been approved for the construction of Project facilities;
  - (b) The expected date of completion of the Project facilities;
  - (c) A phone number for public information regarding the Project;

- (d) The name of the Project;
- (e) The name of the Applicant; and
- (f) The website of the Project.

11. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.
12. Applicant, or its assignee(s), shall use non-specular conductors and non-reflective surfaces for transmission line structures.
13. Before construction on this Project may commence, the Applicant shall file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate, unless waived by the landowner, native areas of construction disturbance to its preconstruction state outside of the power-line right of way after construction has been completed. The Plan shall specify the Applicant's plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. The Applicant shall use existing roads for construction and access where practicable and the Plan shall specify the manner in which the Applicant makes use of existing roads.
14. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.
15. The Applicant shall provide copies of this Certificate to [all affected governmental entities, e.g., affected cities and counties, the Arizona



State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department].

16. Prior to the date construction commences on this Project, the Applicant shall provide known homebuilders and developers within one mile of the center line of the Certificated route [power plant] the identity, location, and a pictorial depiction of the type of power line [plant] being constructed, accompanied by a written description, and encourage the developers and homebuilders to include this information in the developers' and homebuilders' homeowners' disclosure statements.
17. Before commencing construction of Project facilities located parallel to and within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:
  - (a) Perform the appropriate grounding and cathodic protection studies to show that the Project's location parallel to and within 100 feet of such pipeline results in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to Commission Staff reports of studies performed; and
  - (b) Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project parallel to and within 100 feet of the existing natural gas or hazardous liquid pipeline. This study should either: i) show that such outage does not result in customer outages; or ii) include operating plans to minimize any resulting customer outages.

Applicant shall provide a copy of this study to Commission Staff.

18. Applicant will follow the most current Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning standards as approved by the Federal Energy Regulatory Commission, and National Electrical Safety Code construction standards.
19. The Applicant shall submit a self-certification letter annually, identifying progress made with respect to each condition contained in the Certificate, including which conditions have been met. Each letter shall be submitted to the Docket Control of the Arizona Corporation Commission on December 1 beginning in 2009. Attached to each certification letter shall be documentation explaining how compliance with each condition was achieved. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.
20. Within sixty (60) days of the Commission decision granting this Certificate, the Applicant shall make good faith efforts to commence discussions with private landowners, on whose property the Project corridor is located, to identify the specific location for the Project's right-of-way and placement of poles.
21. The Applicant shall expeditiously pursue reasonable efforts to work with private landowners on whose property the Project right-of-way will be located, to mitigate the impacts of the location, construction, and operation of the Project on private land.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Certificate incorporates the following findings of fact and conclusions of law:

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for an adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

**From:** "Jason D. Gellman" <jgellman@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 7/27/2009 4:55 PM  
**Subject:** TEP and SWTC North Loop Project

**CC:** <TubacLawyer@aol.com>, "Vail Arizona" <vailaz@hotmail.com>, <MMG@gknet.c...  
Ms. Williams,

The purpose of this email is to memorialize that we did have a tentative hold at The Omni Tucson National Resort, at 2727 West Club Drive in Tucson, for October 6 and 7 (we were also suggesting scheduling the hearing for October 8 as well). I also received late word after the pre-filing conference that the Application will likely not be filed until sometime next week (i.e. the week of August 3) due to complications getting the requisite number of copies made. I believe the dates of October 6th through 8th would still fit within the required statutory timeframes to commence the hearing - even if the Application is filed between August 3 and August 7. Please let me know if you or Chairman Foreman have any concerns or questions. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**From:** "Jason D. Gellman" <jgellman@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 7/29/2009 5:30 PM  
**Subject:** FW: TEP and SWTC North Loop Project

**CC:** "Mary Ippolito" <mippolito@rdp-law.com>  
Ms. Williams,

Just wanted to follow-up regarding the North Loop Project. If you could let Mary Ippolito (at mippolito@rdp-law.com) and I know if and when those dates will be acceptable to the Line Siting Committee, I would be most appreciative. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

---

From: Jason D. Gellman  
Sent: Monday, July 27, 2009 4:55 PM  
To: 'Tara Williams'  
Cc: 'TubacLawyer@aol.com'; 'Vail Arizona'; MMG@gknet.com;  
'ebeck@tep.com'; Matt Derstine; Mary Ippolito; 'mjerden@tep.com'  
Subject: TEP and SWTC North Loop Project

Ms. Williams,

The purpose of this email is to memorialize that we did have a tentative hold at The Omni Tucson National Resort, at 2727 West Club Drive in Tucson, for October 6 and 7 (we were also suggesting scheduling the hearing for October 8 as well). I also received late word after the pre-filing conference that the Application will likely not be filed until sometime next week (i.e. the week of August 3) due to complications getting the requisite number of copies made. I believe the dates of October 6th through 8th would still fit within the required statutory timeframes to commence the hearing - even if the Application is filed between August 3 and August 7. Please let me know if you or Chairman Foreman have any concerns or questions. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

**From:** Tara Williams  
**To:** Jason D. Gellman  
**Date:** 7/30/2009 9:43 AM  
**Subject:** Line Siting Committee - North Loop Project

**CC:** Mary Ippolito  
Mr. Gellman,

I have spoken with the Committee Members, and there is a quorum for October 6th through the 8th. Please let me know if you need anything else.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** Tara Williams  
**To:** Jason D. Gellman  
**Date:** 8/5/2009 4:23 PM  
**Subject:** Re: Saguaro to North Loop Project - Case 149 - Notice of Hearing  
  
**CC:** EBeck@Tep.com; Matt Derstine; mfreeark@ssw.coop; mjerden@Tep.com; MM...

Mr. Gellman,

The Chairman is in a hearing through Friday. I will show him the draft when he returns on Monday if that is soon enough for you.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Jason D. Gellman" <[jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)> 8/5/2009 4:17 PM >>>  
Ms. Williams,

Attached is the Applicants' proposed form of Notice of Hearing regarding the Saguaro to North Loop Project -- filed yesterday with the Arizona Corporation Commission -- for the Chairman's review. We had previously shared a draft version of this document with Mr. Robertson and Ms. Webb. I added the docket and case numbers assigned to this matter. Mr. Robertson indicated he had no changes, but I have not heard from Ms. Webb. Please let us know if there are any questions, concerns, or changes. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)

**BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY  
AND SOUTHWEST TRANSMISSION  
COOPERATIVE, INC. FOR A CERTIFICATE  
OF ENVIRONMENTAL COMPATIBILITY  
FOR: (1) THE RECONFIGURATION OF AN  
EXISTING TEP 138 kV LINE TO AN SWTC  
115 kV LINE FROM THE EXISTING  
SAGUARO SUBSTATION IN SEC. 15, T.10S.,  
R.10E. TO THE EXISTING TORTOLITA  
SUBSTATION IN SEC. 23, T.10S., R.10E.,  
PINAL COUNTY, AND (2) THE  
RECONSTRUCTION OF TWO EXISTING TEP  
138 kV LINES AND THE ADDITION OF ONE  
TEP 138 kV LINE AND ONE SWTC 115 kV  
LINE FROM THE EXISTING TORTOLITA  
SUBSTATION TO THE EXISTING NORTH  
LOOP SUBSTATION IN SEC. 9, T.12S., R.12E.  
IN THE TOWN OF MARANA, PIMA  
COUNTY.

Docket No. L-00000C-09-0385-00149

Docket No. L-00000CC-09-0385-00149

Case No. 149

**NOTICE OF HEARING**

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee ("Committee") regarding the application of Tucson Electric Power Company ("TEP") and Southwest Transmission Cooperative, Inc. ("SWTC") for a Certificate of Environmental Compatibility authorizing (1) the reconstruction of an existing TEP 138 kV line to an SWTC 115 kV line from the existing Saguaro Substation to the existing Tortolita Substation in Pinal County; and (2) the reconfiguration of two existing TEP 138 kV lines and the addition of one TEP 138 kV line and one SWTC 115 kV line from the existing Tortolita Substation to the existing North Loop Substation in the Town of Marana, Pima County ("Project"). The hearing will be held at The Omni Tucson National Resort, 2727 West Club Drive, Tucson, Arizona. The hearing is scheduled to begin October 6, 2009, at 9:30 a.m., and to continue as necessary on October 7, 2009 and October 8, 2009 at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on all days. Additional hearing days, if necessary, will be noticed on the Applicants and Arizona Corporation Commission ("ACC") websites.

The Applicants' website with Project information is:  
<http://www.tep.com/company/news/SA2NL/index.asp>

and

<http://www.southwesttransmission.coop/metadot/index.pl?iid=2306&isa=Categor>



y

The ACC Website is: [http://www.azcc.gov/AZ\\_Power\\_Plant](http://www.azcc.gov/AZ_Power_Plant).

Copies of the Application and Transcripts will be available for inspection at the following locations:

Geasa-Marana Branch Library – 13370 N. Lon Adams Road, Marana, Arizona 85653.

Nanini Branch Library – 7300 N. Shannon Road, Tucson, Arizona 85741.

**PUBLIC COMMENT WILL BE TAKEN AFTER OPENING STATEMENTS AND AS PERMITTED BY THE COMMITTEE CHAIRMAN.**

The Project consists of two segments: The first segment involves reconfiguring about 1.3 miles of a single-circuit TEP 138 kV line to a single-circuit SWTC 115 kV line on steel monopole structures within an existing right-of-way. This segment will originate from the existing Saguaro Substation, in T.10S., R.10E., Section 15 (owned by Arizona Public Service Company) to the vicinity of the existing Tortolita Substation in T.10S., R.10E., Section 23 (owned by TEP). Both substations are located in Pinal County

The second segment involves removing two existing TEP 138 kV lines from wooden H-frame structures and reconstructing those lines on new structures – as well as adding one TEP 138 kV line and one SWTC 115 kV line. This Segment would originate from the existing Tortolita Substation in Pinal County to the existing North Loop Substation, in T.12S., R.12E., Section 9, in the Town of Marana, Pima County. The Project will interconnect two existing TEP Substations (Tortolita and North Loop). The Project will also interconnect the SWTC 115 kV line to the Saguaro Substation and to the proposed SWTC Adonis Substation (located entirely on State Land).

TEP and SWTC propose three options in the Application for the second segment:

- Preferred Option: Construction of one series of quad-circuit transmission line steel monopoles in the existing 360-foot-wide TEP transmission line corridor consisting of multiple rights-of-way from Tortolita to North Loop Substations (14.4 miles long).
- Alternative Option 1: Construction of two adjacent series of double-circuit transmission line steel monopoles in the existing 360-foot wide TEP transmission line right-of-way (“ROW”) from Tortolita to North Loop Substations (14.4 miles long).
- Alternative Option 2: Construction of one series of quad-circuit transmission line steel monopoles within the existing 360-foot-wide TEP transmission line ROW to the intersection of that ROW and the Central Arizona Project (“CAP”) canal. From that point south to the intersection of the CAP canal and Tangerine Road, the route would traverse in a new 100-foot-wide ROW adjacent to the east edge of the existing CAP canal. From that point the line would head east along the north side of Tangerine Road until it intersects the existing TEP

transmission line ROW. From the intersection the line would be constructed in the existing 360-foot wide ROW to the North Loop Substation. (15.9 miles long).

More complete maps, along with more detailed textual descriptions of the proposed route are available in the Application and on the Applicants' website. The Application that includes detailed maps of the proposed Project is on file with the Docket Control Center of the Arizona Corporation Commission, 1200 West Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress Street, Suite 221, Tucson, Arizona 85701 in addition to the two library locations listed above.

The Committee may conduct a tour of the Project area and the proposed routes. If a tour is conducted, a map and itinerary for the tour will be available at the hearings. Members of the public may follow the Committee in their own private vehicles. During the tour, the Committee may hear brief testimony at stops on the tour from one or more witnesses concerning where the stops are located, what is visible at the stops and the relevance of the location and view to the proposed routes of the transmission line in the Application. No other discussion or deliberation concerning the Application will occur. A court reporter will transcribe any testimony taken on the tour.

Depending on the issues raised and the number of interveners appearing during the hearing, the Committee may deem it appropriate at some point to recess the hearing to a time and place to be announced during the hearing, or to be determined after the recess, at which time and place the hearing will be resumed. These dates and places will be posted on the Applicants and ACC websites. At the discretion of the Committee, such resumed hearings may be held at a date, time and place designated by the Committee or its Chairman.

**NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN; PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT REQUIRED.**

Each county and municipal government and state agency interested in the proposed Project and desiring to become a party in the proceeding must file with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, a notice of its intent to be a party. That notice must be filed not less than ten (10) days before the date set for hearing.

Any domestic, non-profit corporation or association, formed in whole or in part to promote conservation or natural beauty, to protect the environment, personal health or other biological values, to preserve historical sites, to promote customer interests, to represent commercial and industrial groups, or to promote the orderly development of the area in which the Project is to be located and desiring to become a party to the certification proceedings must file with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, notice of its intent to be a party. That notice must be filed not less than ten (10) days before the date set for hearing.

The Committee or its Chairman, at any time deemed appropriate, may make other persons parties to the proceeding.

Any person may make a limited appearance at a hearing by filing a statement in

writing with the Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A person making a limited appearance shall not be a party or have the right to present testimony or cross-examine witnesses.

This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to 40-360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No substantive communication, not in the public record, may be made to any member of the Committee. The written decision of the Committee will be submitted to the Arizona Corporation Commission pursuant to A.R.S. § 40-360.07. Any person intending to be a party before the Arizona Corporation Commission must be a party to the certification proceedings before the Committee.

ORDERED this \_\_\_\_ day of August, 2009.

John Foreman, Chairman  
Arizona Power Plant And Transmission  
Line Siting Committee  
Assistant Attorney General

**From:** "Jason D. Gellman" <jgellman@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/7/2009 6:40 PM  
**Subject:** RE: Notice of Hearing

Ms. Williams

I am working on getting a map to forward to the Chairman office early next week. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Friday, August 07, 2009 4:17 PM  
To: Jason D. Gellman  
Cc: Mary Ippolito  
Subject: Notice of Hearing

Mr. Gellman,

Before I give the Chairman the draft on Monday, was there a map that you wanted attached to the Notice, or should I file it without one?

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** Tara Williams  
**To:** Jason D. Gellman  
**Date:** 8/10/2009 9:19 AM  
**Subject:** Re: Map for the Notice of Hearing - Saguaro to North Loop Project (Case 149)  
  
**CC:** EBeck@Tep.com; Mary Ippolito; Matt Derstine; MJerden@Tep.com

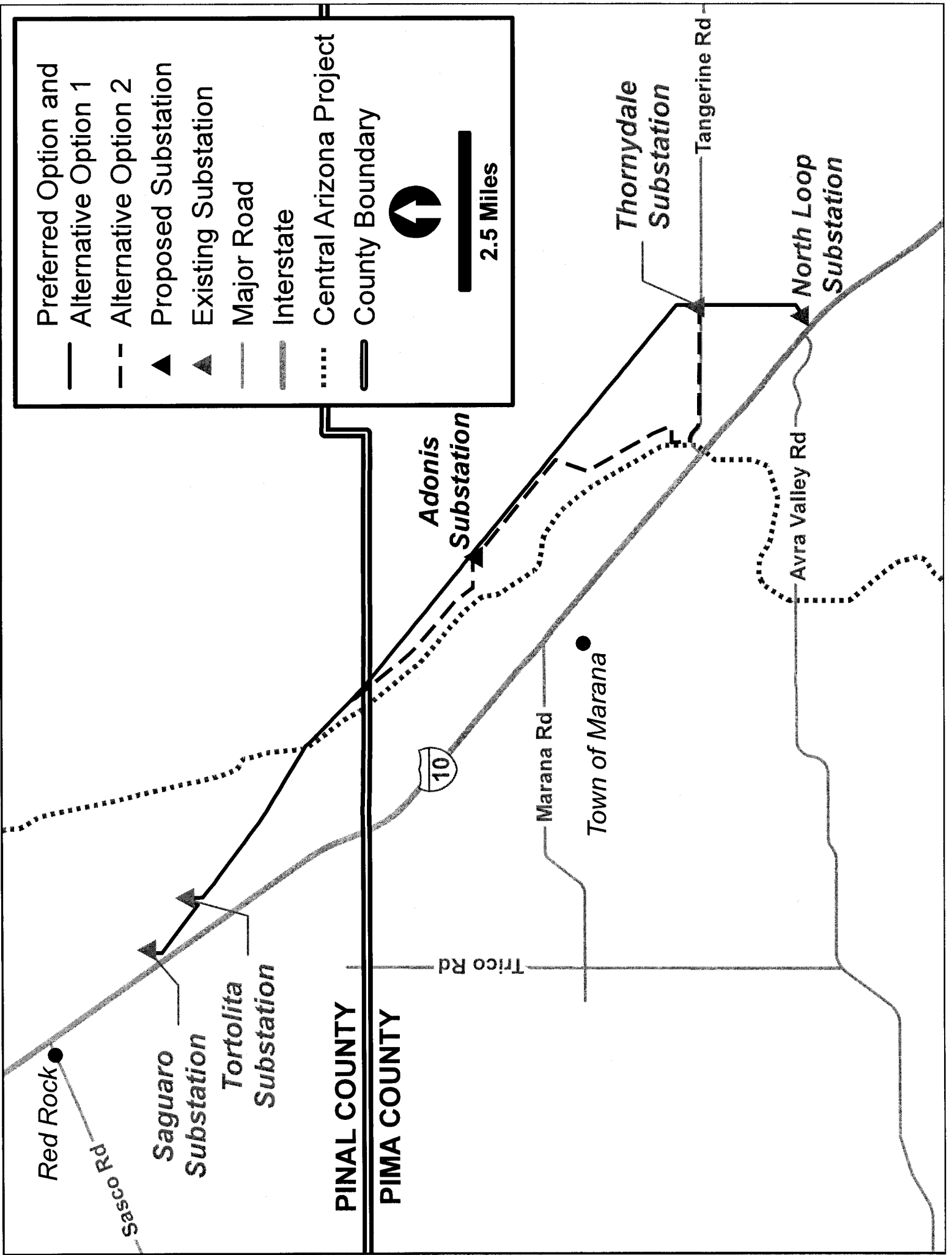
Thank you Mr. Gellman.

Tara Williams

>>> "Jason D. Gellman" <[jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)> 8/10/2009 9:18 AM >>>  
Ms. Williams,

I have attached the map to be part of the Notice of Hearing for the above-captioned line siting matter. Sorry for the delay. Please contact me if you have any further questions or concerns. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com)



**From:** Tara Williams  
**To:** TubacLawyer@aol.com  
**Date:** 8/10/2009 12:10 PM  
**Subject:** Re: Pre-Hearing Conference - Line Siting 149

Thank you, Mr. Robertson.

Tara Williams

>>> <[TubacLawyer@aol.com](mailto:TubacLawyer@aol.com)> 8/10/2009 12:09 PM >>>

Tara

Please advise Chairman Foreman that I am available either October 1 or 2;  
and, please convey my appreciation for his accommodating my late September  
scheduling conflict.

Thanks for your assistance.

Larry Robertson

In a message dated 8/10/2009 11:56:50 AM US Mountain Standard Time,  
[Tara.Williams@azag.gov](mailto:Tara.Williams@azag.gov) writes:

Parties,

The Chairman would like to schedule the pre-hearing conference for Case  
#149. I understand Mr. Robertson is unavailable September 24th through the  
28th.

The Chairman is available October 1st or 2nd.

Please let me know if either of those dates work for all of you.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
[tara.williams@azag.gov](mailto:tara.williams@azag.gov)

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message.

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\*\*\*\*\*A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

(<http://pr.atwola.com/promoclk/100126575x1222846709x1201493018/aol?redir=http://www.freecreditreport.com/pm/default.aspx?sc=668072&hmpgID=115&bcd=JulistepsfooterNO115>)



**From:** "Grant, Michael M." <MMG@gknet.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>, "Lawrence Robertson" <TubacLaw...  
**Date:** 8/10/2009 12:32 PM  
**Subject:** RE: Pre-Hearing Conference - Line Siting 149

**CC:** "Marta Hetzer" <azrs@az-reporting.com>, "Pearsall, Peri L." <PLP@gknet.c...  
Tara: October 2nd will work for me. Mike

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Monday, August 10, 2009 11:56 AM  
To: Lawrence Robertson; Janice Alward; Grant, Michael M.; Elizabeth Webb; Jason Gellman; J Derstine  
Cc: Marta Hetzer; Pearsall, Peri L.; Mary Ippolito; Marcus Jerden  
Subject: Pre-Hearing Conference - Line Siting 149

Parties,

The Chairman would like to schedule the pre-hearing conference for Case #149. I understand Mr. Robertson is unavailable September 24th through the 28th.

The Chairman is available October 1st or 2nd.

Please let me know if either of those dates work for all of you.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** "Mary Ippolito" <mippolito@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/10/2009 2:32 PM  
**Subject:** RE: Notice of Hearing

Thank you.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Monday, August 10, 2009 2:30 PM  
To: Lawrence Robertson; Janice Alward; Michael Grant; Elizabeth Webb;  
Jason D. Gellman; Matt Derstine; Marcus Jerden  
Cc: Marta Hetzer; Peri Pearsall; Mary Ippolito  
Subject: Notice of Hearing

Parties,

Please see the attached Notice of Hearing signed by the Chairman and filed today with Docket Control. Please also note the changes for an evening public comment session and tour time. Let me know if you have any questions.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY AND  
SOUTHWEST TRANSMISSION  
COOPERATIVE, INC. FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY FOR: (1)  
THE RECONFIGURATION OF AN EXISTING  
TEP 138 kV LINE TO AN SWTC 115 kV LINE  
FROM THE EXISTING SAGUARO  
SUBSTATION IN SEC. 15, T.10S., R.10E. TO  
THE EXISTING TORTOLITA SUBSTATION IN  
SEC. 23, T.10S., R.10E., PINAL COUNTY, AND  
(2) THE RECONSTRUCTION OF TWO  
EXISTING TEP 138 kV LINES AND THE  
ADDITION OF ONE TEP 138 kV LINE AND  
ONE SWTC 115 kV LINE FROM THE  
EXISTING TORTOLITA SUBSTATION TO THE  
EXISTING NORTH LOOP SUBSTATION IN  
SEC. 9, T.12S., R.12E. IN THE TOWN OF  
MARANA, PIMA COUNTY.

Docket No. L-00000C-09-0385-00149  
Docket No. L-00000CC-09-0385-00149

Case No. 149

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**NOTICE OF HEARING**

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and  
Transmission Line Siting Committee ("Committee") regarding the application of  
Tucson Electric Power Company ("TEP") and Southwest Transmission  
Cooperative, Inc. ("SWTC") for a Certificate of Environmental Compatibility  
authorizing (1) the reconstruction of an existing TEP 138 kV line to an SWTC 115  
kV line from the existing Saguaro Substation to the existing Tortolita Substation in  
Pinal County; and (2) the reconfiguration of two existing TEP 138 kV lines and  
the addition of one TEP 138 kV line and one SWTC 115 kV line from the existing  
Tortolita Substation to the existing North Loop Substation in the Town of Marana,  
Pima County ("Project"). The hearing will be held at The Omni Tucson National  
Resort, 2727 West Club Drive, Tucson, Arizona. The hearing is scheduled to  
begin on October 6, 2009, at 9:30 a.m. The hearing will continue as necessary on  
October 7, 2009, at 8:30 a.m., if a tour is taken, otherwise it will begin at 9:30 a.m.  
If the hearing has not concluded, it will continue on October 8, 2009, at 9:30 a.m.  
The hearing will adjourn at approximately 5:00 p.m. on all days. Additional  
hearing days, if necessary, will be noticed on the Applicants and Arizona  
Corporation Commission ("ACC") websites.

The Applicants' website with Project information is:  
<http://www.tep.com/company/news/SA2NL/index.asp>

1 and

2 <http://www.southwesttransmission.coop/metadot/index.pl?iid=2306&isa=Category>

3 The ACC Website is: [http://www.azcc.gov/AZ\\_Power\\_Plant](http://www.azcc.gov/AZ_Power_Plant).

4 Copies of the Application and Transcripts will be available for inspection at the  
5 following locations:

6 Geasa-Marana Branch Library – 13370 N. Lon Adams Road, Marana, Arizona  
7 85653.

8 Nanini Branch Library – 7300 N. Shannon Road, Tucson, Arizona 85741.

9 **PUBLIC COMMENT WILL BE TAKEN AFTER OPENING**  
10 **STATEMENTS AND AS PERMITTED BY THE COMMITTEE**  
11 **CHAIRMAN. IN ADDITION, A SEPARATE EVENING PUBLIC**  
12 **COMMENT SESSION WILL BE HELD TUESDAY, OCTOBER 6, 2009,**  
13 **AT 6:00 P.M. AT THE OMNI TUCSON NATIONAL RESORT, 2727 WEST**  
14 **CLUB DRIVE, TUCSON, ARIZONA.**

15 The Project consists of two segments: The first segment involves reconfiguring  
16 about 1.3 miles of a single-circuit TEP 138 kV line to a single-circuit SWTC 115  
17 kV line on steel monopole structures within an existing right-of-way. This  
18 segment will originate from the existing Saguaro Substation, in T.10S, R.10E.,  
19 Section 15 (owned by Arizona Public Service Company) to the vicinity of the  
20 existing Tortolita Substation in T.10S., R.10E., Section 23 (owned by TEP). Both  
21 substations are located in Pinal County

22 The second segment involves removing two existing TEP 138 kV lines from  
23 wooden H-frame structures and reconstructing those lines on new structures – as  
24 well as adding one TEP 138 kV line and one SWTC 115 kV line. This Segment  
25 would originate from the existing Tortolita Substation in Pinal County to the  
26 existing North Loop Substation, in T.12S., R.12E., Section 9, in the Town of  
Marana, Pima County. The Project will interconnect two existing TEP Substations  
(Tortolita and North Loop). The Project will also interconnect the SWTC 115 kV  
line to the Saguaro Substation and to the proposed SWTC Adonis Substation  
(located entirely on State Land).

TEP and SWTC propose three options in the Application for the second segment:

- Preferred Option: Construction of one series of quad-circuit transmission line steel monopoles in the existing 360-foot-wide TEP transmission line corridor consisting of multiple rights-of-way from Tortolita to North Loop Substations (14.4 miles long).
- Alternative Option 1: Construction of two adjacent series of double-circuit transmission line steel monopoles in the existing 360-foot wide TEP transmission line right-of-way ("ROW") from Tortolita to North

1 Loop Substations (14.4 miles long).

- 2 • Alternative Option 2: Construction of one series of quad-circuit  
3 transmission line steel monopoles within the existing 360-foot-wide TEP  
4 transmission line ROW to the intersection of that ROW and the Central  
5 Arizona Project ("CAP") canal. From that point south to the intersection  
6 of the CAP canal and Tangerine Road, the route would traverse in a new  
7 100-foot-wide ROW adjacent to the east edge of the existing CAP canal.  
8 From that point the line would head east along the north side of  
9 Tangerine Road until it intersects the existing TEP transmission line  
10 ROW. From the intersection the line would be constructed in the  
11 existing 360-foot wide ROW to the North Loop Substation. (15.9 miles  
12 long).

13 More complete maps, along with more detailed textual descriptions of the  
14 proposed route are available in the Application and on the Applicants' website.  
15 The Application that includes detailed maps of the proposed Project is on file with  
16 the Docket Control Center of the Arizona Corporation Commission, 1200 West  
17 Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress  
18 Street, Suite 221, Tucson, Arizona 85701 in addition to the two library locations  
19 listed above.

20 The Committee may conduct a tour of the Project area and the proposed routes. If a  
21 tour is conducted, a map and itinerary for the tour will be available at the hearings.  
22 Members of the public may follow the Committee in their own private vehicles.  
23 During the tour, the Committee may hear brief testimony at stops on the tour from  
24 one or more witnesses concerning where the stops are located, what is visible at the  
25 stops and the relevance of the location and view to the proposed routes of the  
26 transmission line in the Application. No other discussion or deliberation  
concerning the Application will occur. A court reporter will transcribe any  
testimony taken on the tour.

Depending on the issues raised and the number of interveners appearing during the  
hearing, the Committee may deem it appropriate at some point to recess the  
hearing to a time and place to be announced during the hearing, or to be  
determined after the recess, at which time and place the hearing will be resumed.  
These dates and places will be posted on the Applicants and ACC websites. At the  
discretion of the Committee, such resumed hearings may be held at a date, time  
and place designated by the Committee or its Chairman.

**NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN;  
PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT  
REQUIRED.**

Each county and municipal government and state agency interested in the  
proposed Project and desiring to become a party in the proceeding must file with  
the Arizona Corporation Commission, 1200 West Washington Street, Phoenix,  
Arizona 85007, a notice of its intent to be a party. That notice must be filed not

1 less than ten (10) days before the date set for hearing.

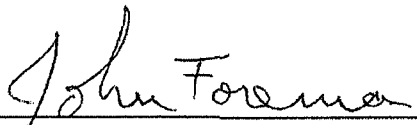
2 Any domestic, non-profit corporation or association, formed in whole or in part to  
3 promote conservation or natural beauty, to protect the environment, personal  
4 health or other biological values, to preserve historical sites, to promote customer  
5 interests, to represent commercial and industrial groups, or to promote the orderly  
6 development of the area in which the Project is to be located and desiring to  
become a party to the certification proceedings must file with the Arizona  
Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,  
notice of its intent to be a party. That notice must be filed not less than ten (10)  
days before the date set for hearing.

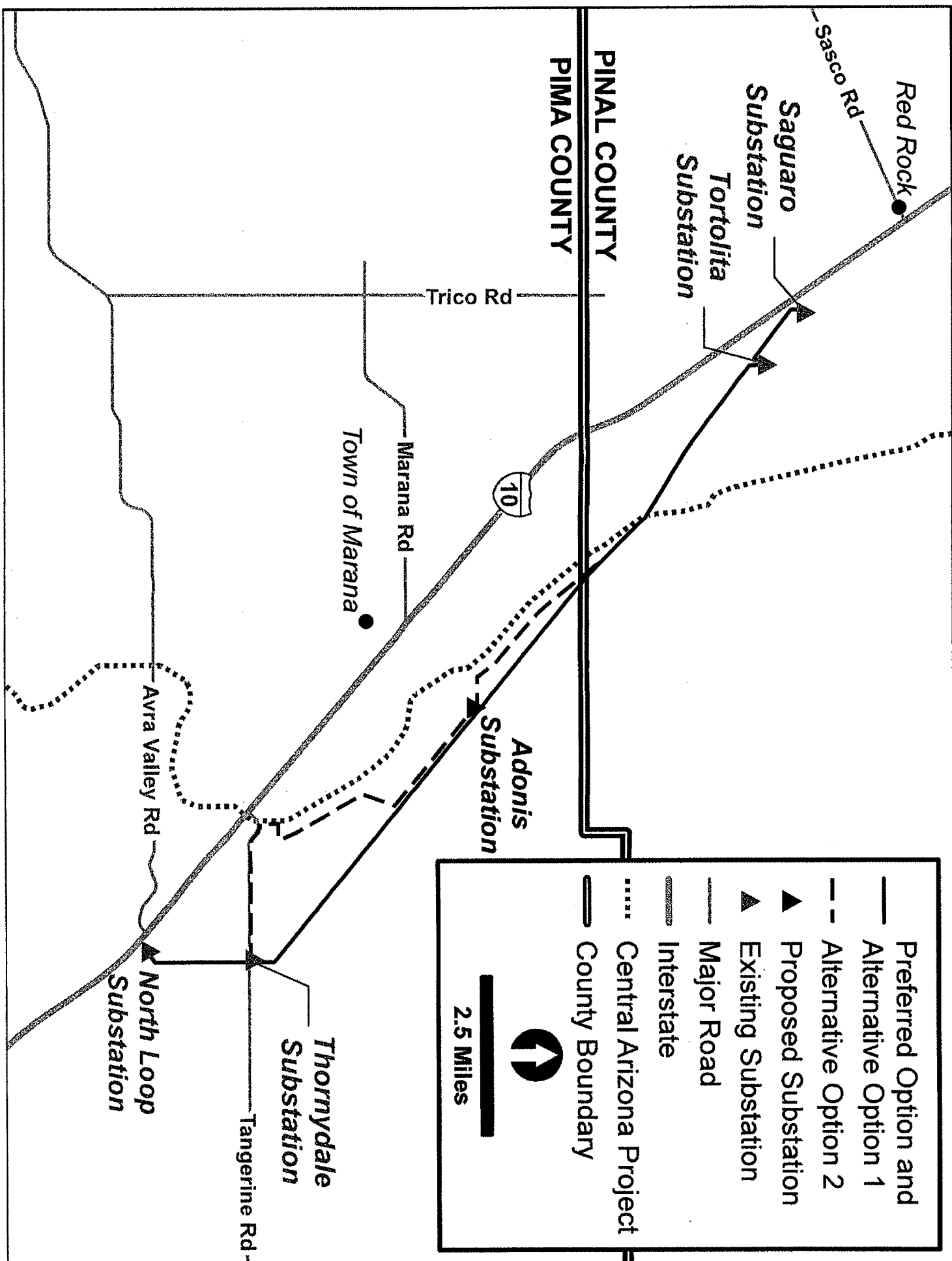
7 The Committee or its Chairman, at any time deemed appropriate, may make other  
8 persons parties to the proceeding.

9 Any person may make a limited appearance at a hearing by filing a statement in  
writing with the Arizona Corporation Commission, 1200 West Washington Street,  
Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A  
10 person making a limited appearance shall not be a party or have the right to  
11 present testimony or cross-examine witnesses.

12 This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to  
40-360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No  
13 substantive communication, not in the public record, may be made to any member  
of the Committee. The written decision of the Committee will be submitted to the  
Arizona Corporation Commission pursuant to A.R.S. § 40-360.07. Any person  
14 intending to be a party before the Arizona Corporation Commission must be a  
15 party to the certification proceedings before the Committee.

16  
17  
18 ORDERED this 10<sup>th</sup> day of August, 2009.

19  
20  
21   
22 John Foreman, Chairman  
23 Arizona Power Plant and  
24 Transmission Line Siting Committee  
25 Assistant Attorney General  
26



**From:** "Mary Ippolito" <mippolito@rdp-law.com>  
**To:** <tbolton@land.az.gov>, <rojeda@land.az.gov>, <manny.gonzalez@pinalcounty...>  
**Date:** 8/11/2009 9:55 AM  
**Subject:** RE: Notification of Notice of Hearing - Line Siting Case #149  
**Attachments:** Notification of Notice of Hearing.pdf

**CC:** "Jason D. Gellman" <jgellman@rdp-law.com>, "Matt Derstine" <mderstine@rd...>  
Attached is a letter notifying you of the Hearing set for October 6, 7  
and 8th regarding Case #149 filed by Tucson Electric Power Company and  
Southwest Transmission Cooperative, Inc.

If you have any questions, please let me know.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com



## ROSHKA DEWULF & PATTEN

ROSHKA DEWULF & PATTEN, PLC  
ATTORNEYS AT LAW  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET  
SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

August 11, 2009

Sent Via E-Mail and U.S. Mail

Kevin Kish  
Director of Planning, Town of Marana  
Marana Municipal Complex  
11555 West Civic Center Drive  
Marana, AZ 85653

Manuel T. Gonzalez  
Assistant County Manager  
Pinal County  
Administrative Services  
P.O. Box 827  
31 North Pinal Street, Bldg A,  
2<sup>nd</sup> Floor  
Florence, Arizona 85232

Arlan Colton, Planning Official  
Pima County Planning Division  
201 N. Stone, 2<sup>nd</sup> Floor  
Tucson, AZ 85701

Timothy Bolton  
Principal Planner  
Arizona State Land Department  
177 North Church Avenue,  
Suite 1100  
Tucson, AZ 85701

Janice Alward  
Chief Counsel  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Gilbert Davidson, Town Manager  
Town of Marana  
Marana Municipal Complex  
11555 West Civic Center Drive  
Marana, AZ 85653

C.H. Huckelberry, County  
Administrator  
Pima County Governmental Center  
130 West Congress Street  
Tucson, AZ 85701-1317

Ruben Ojeda  
Right of Way Manager  
Arizona State Land Department  
Right of Way Division  
1616 West Adams  
Phoenix, AZ 85007

Steve Olea  
Utilities Division Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Elizabeth Buchroeder-Webb  
17451 East Hilton Ranch Road  
Vail, AZ 85641

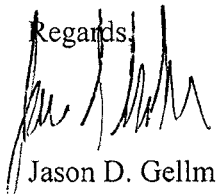
ROSHKA DEWULF & PATTEN

Re: IN THE MATTER OF THE APPLICATION OF TUCSON ELECTRIC POWER COMPANY AND SOUTHWEST TRANSMISSION COOPERATIVE, INC. FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY FOR: (1) THE RECONFIGURATION OF AN EXISTING TEP 138 kV LINE TO AN SWTC 115 kV LINE FROM THE EXISTING SAGUARO SUBSTATION IN SEC. 15, T.10S., R.10E. TO THE EXISTING TORTOLITA SUBSTATION IN SEC. 23, T.10S., R.10E., PINAL COUNTY, AND (2) THE RECONSTRUCTION OF TWO EXISTING TEP 138 kV LINES AND THE ADDITION OF ONE TEP 138 kV LINE AND ONE SWTC 115 kV LINE FROM THE EXISTING TORTOLITA SUBSTATION TO THE EXISTING NORTH LOOP SUBSTATION IN SEC. 9, T.12S., R.12E. IN THE TOWN OF MARANA, PIMA COUNTY.

To Whom It May Concern:

The purpose of this letter is to provide the Notice of Hearing signed by Arizona Power Plant and Transmission Line Siting Committee Chairman John Foreman regarding the Application to the Arizona Corporation Commission ("Commission") for approval of the above-captioned Project. This Application was filed pursuant to A.R.S. §§ 40-360 through 40-360.13, and A.A.C. R14-3-201 through R14-2-219. This letter is being provided as required by A.R.S. § 40-360.04. This matter will be heard by the Committee on October 6, 7, and 8, 2009. The hearings will take place at The Omni Tucson National Resort, 2727 West Club Drive, Tucson, Arizona.

Please contact me at (602) 256-6100, if you have any questions or concerns.

Regards,  
  
Jason D. Gellman

JDG/mi  
Enclosure

cc: Docket Control – Original and 25 copies  
Marcus Jerden  
Lawrence V. Robertson, Jr.  
Michael G. Grant  
Docket Control

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**BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE**

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IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY AND  
SOUTHWEST TRANSMISSION  
COOPERATIVE, INC. FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY FOR: (1)  
THE RECONFIGURATION OF AN EXISTING  
TEP 138 kV LINE TO AN SWTC 115 kV LINE  
FROM THE EXISTING SAGUARO  
SUBSTATION IN SEC. 15, T.10S., R.10E. TO  
THE EXISTING TORTOLITA SUBSTATION IN  
SEC. 23, T.10S., R.10E., PINAL COUNTY, AND  
(2) THE RECONSTRUCTION OF TWO  
EXISTING TEP 138 kV LINES AND THE  
ADDITION OF ONE TEP 138 kV LINE AND  
ONE SWTC 115 kV LINE FROM THE  
EXISTING TORTOLITA SUBSTATION TO THE  
EXISTING NORTH LOOP SUBSTATION IN  
SEC. 9, T.12S., R.12E. IN THE TOWN OF  
MARANA, PIMA COUNTY.

Docket No. L-00000C-09-0385-00149  
Docket No. L-00000CC-09-0385-00149

Case No. 149

**NOTICE OF HEARING**

A PUBLIC HEARING WILL BE HELD before the Arizona Power Plant and Transmission Line Siting Committee ("Committee") regarding the application of Tucson Electric Power Company ("TEP") and Southwest Transmission Cooperative, Inc. ("SWTC") for a Certificate of Environmental Compatibility authorizing (1) the reconstruction of an existing TEP 138 kV line to an SWTC 115 kV line from the existing Saguaro Substation to the existing Tortolita Substation in Pinal County; and (2) the reconfiguration of two existing TEP 138 kV lines and the addition of one TEP 138 kV line and one SWTC 115 kV line from the existing Tortolita Substation to the existing North Loop Substation in the Town of Marana, Pima County ("Project"). The hearing will be held at The Omni Tucson National Resort, 2727 West Club Drive, Tucson, Arizona. The hearing is scheduled to begin on October 6, 2009, at 9:30 a.m. The hearing will continue as necessary on October 7, 2009, at 8:30 a.m., if a tour is taken, otherwise it will begin at 9:30 a.m. If the hearing has not concluded, it will continue on October 8, 2009, at 9:30 a.m. The hearing will adjourn at approximately 5:00 p.m. on all days. Additional hearing days, if necessary, will be noticed on the Applicants and Arizona Corporation Commission ("ACC") websites.

The Applicants' website with Project information is:  
<http://www.tep.com/company/news/SA2NL/index.asp>

1 and

2 <http://www.southwesttransmission.coop/metadot/index.pl?iid=2306&isa=Category>

3  
4 The ACC Website is: [http://www.azcc.gov/AZ\\_Power\\_Plant](http://www.azcc.gov/AZ_Power_Plant).

5 Copies of the Application and Transcripts will be available for inspection at the following locations:

6 Geasa-Marana Branch Library – 13370 N. Lon Adams Road, Marana, Arizona 85653.

7 Nanini Branch Library – 7300 N. Shannon Road, Tucson, Arizona 85741.

8 **PUBLIC COMMENT WILL BE TAKEN AFTER OPENING**  
9 **STATEMENTS AND AS PERMITTED BY THE COMMITTEE**  
10 **CHAIRMAN. IN ADDITION, A SEPARATE EVENING PUBLIC**  
11 **COMMENT SESSION WILL BE HELD TUESDAY, OCTOBER 6, 2009,**  
**AT 6:00 P.M. AT THE OMNI TUCSON NATIONAL RESORT, 2727 WEST**  
**CLUB DRIVE, TUCSON, ARIZONA.**

12 The Project consists of two segments: The first segment involves reconfiguring  
13 about 1.3 miles of a single-circuit TEP 138 kV line to a single-circuit SWTC 115  
14 kV line on steel monopole structures within an existing right-of-way. This  
15 segment will originate from the existing Saguaro Substation, in T.10S, R.10E.,  
Section 15 (owned by Arizona Public Service Company) to the vicinity of the  
existing Tortolita Substation in T.10S., R.10E., Section 23 (owned by TEP). Both  
substations are located in Pinal County

16 The second segment involves removing two existing TEP 138 kV lines from  
17 wooden H-frame structures and reconstructing those lines on new structures – as  
18 well as adding one TEP 138 kV line and one SWTC 115 kV line. This Segment  
19 would originate from the existing Tortolita Substation in Pinal County to the  
20 existing North Loop Substation, in T.12S., R.12E., Section 9, in the Town of  
Marana, Pima County. The Project will interconnect two existing TEP Substations  
(Tortolita and North Loop). The Project will also interconnect the SWTC 115 kV  
line to the Saguaro Substation and to the proposed SWTC Adonis Substation  
(located entirely on State Land).

21 TEP and SWTC propose three options in the Application for the second segment:

- 22 • Preferred Option: Construction of one series of quad-circuit  
23 transmission line steel monopoles in the existing 360-foot-wide TEP  
24 transmission line corridor consisting of multiple rights-of-way from  
Tortolita to North Loop Substations (14.4 miles long).
- 25 • Alternative Option 1: Construction of two adjacent series of double-  
26 circuit transmission line steel monopoles in the existing 360-foot wide  
TEP transmission-line right-of-way ("ROW") from Tortolita to North

1           Loop Substations (14.4 miles long).

- 2           • Alternative Option 2: Construction of one series of quad-circuit  
3 transmission line steel monopoles within the existing 360-foot-wide TEP  
4 transmission line ROW to the intersection of that ROW and the Central  
5 Arizona Project ("CAP") canal. From that point south to the intersection  
6 of the CAP canal and Tangerine Road, the route would traverse in a new  
7 100-foot-wide ROW adjacent to the east edge of the existing CAP canal.  
8 From that point the line would head east along the north side of  
9 Tangerine Road until it intersects the existing TEP transmission line  
10 ROW. From the intersection the line would be constructed in the  
11 existing 360-foot wide ROW to the North Loop Substation. (15.9 miles  
12 long).

13           More complete maps, along with more detailed textual descriptions of the  
14 proposed route are available in the Application and on the Applicants' website.  
15 The Application that includes detailed maps of the proposed Project is on file with  
16 the Docket Control Center of the Arizona Corporation Commission, 1200 West  
17 Washington Street, Suite 108, Phoenix Arizona, 85007, and 400 West Congress  
18 Street, Suite 221, Tucson, Arizona 85701 in addition to the two library locations  
19 listed above.

20           The Committee may conduct a tour of the Project area and the proposed routes. If a  
21 tour is conducted, a map and itinerary for the tour will be available at the hearings.  
22 Members of the public may follow the Committee in their own private vehicles.  
23 During the tour, the Committee may hear brief testimony at stops on the tour from  
24 one or more witnesses concerning where the stops are located, what is visible at the  
25 stops and the relevance of the location and view to the proposed routes of the  
26 transmission line in the Application. No other discussion or deliberation  
concerning the Application will occur. A court reporter will transcribe any  
testimony taken on the tour.

          Depending on the issues raised and the number of interveners appearing during the  
hearing, the Committee may deem it appropriate at some point to recess the  
hearing to a time and place to be announced during the hearing, or to be  
determined after the recess, at which time and place the hearing will be resumed.  
These dates and places will be posted on the Applicants and ACC websites. At the  
discretion of the Committee, such resumed hearings may be held at a date, time  
and place designated by the Committee or its Chairman.

**NOTE: NOTICE OF SUCH RESUMED HEARING WILL BE GIVEN;  
PUBLISHED NOTICE OF SUCH RESUMED HEARING IS NOT  
REQUIRED.**

          Each county and municipal government and state agency interested in the  
proposed Project and desiring to become a party in the proceeding must file with  
the Arizona Corporation Commission, 1200 West Washington Street, Phoenix,  
Arizona 85007, a notice of its intent to be a party. That notice must be filed not

1 less than ten (10) days before the date set for hearing.

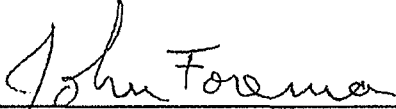
2 Any domestic, non-profit corporation or association, formed in whole or in part to  
3 promote conservation or natural beauty, to protect the environment, personal  
4 health or other biological values, to preserve historical sites, to promote customer  
5 interests, to represent commercial and industrial groups, or to promote the orderly  
6 development of the area in which the Project is to be located and desiring to  
7 become a party to the certification proceedings must file with the Arizona  
8 Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007,  
9 notice of its intent to be a party. That notice must be filed not less than ten (10)  
10 days before the date set for hearing.

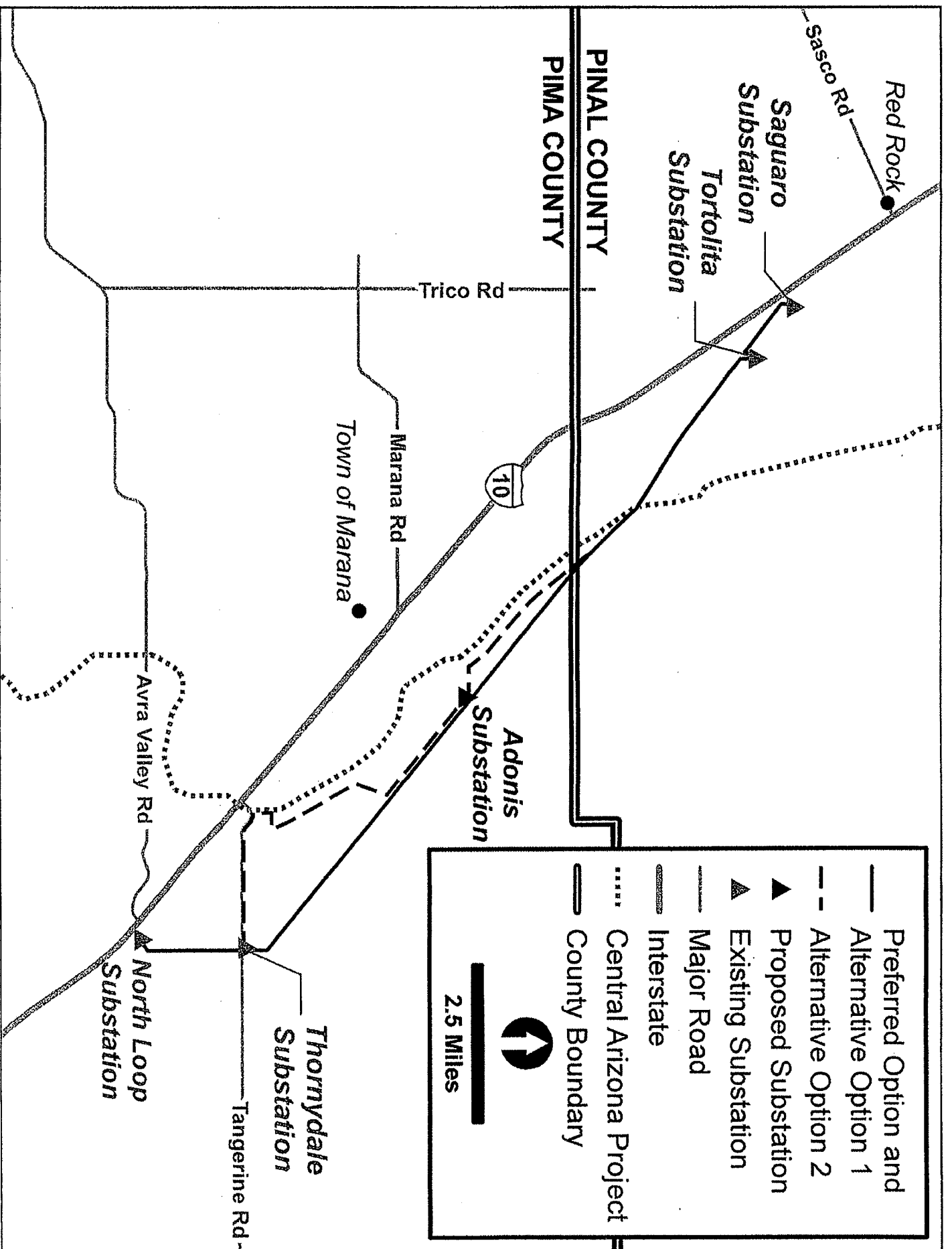
11 The Committee or its Chairman, at any time deemed appropriate, may make other  
12 persons parties to the proceeding.

13 Any person may make a limited appearance at a hearing by filing a statement in  
14 writing with the Arizona Corporation Commission, 1200 West Washington Street,  
15 Phoenix, Arizona 85007, not less than five (5) days before a date set for hearing. A  
16 person making a limited appearance shall not be a party or have the right to  
17 present testimony or cross-examine witnesses.

18 This proceeding is governed by Arizona Revised Statutes (A.R.S.) §§ 40-360 to  
19 40-360.13 and Arizona Administrative Code R14-3-201 to R14-3-219. No  
20 substantive communication, not in the public record, may be made to any member  
21 of the Committee. The written decision of the Committee will be submitted to the  
22 Arizona Corporation Commission pursuant to A.R.S. § 40-360.07. Any person  
23 intending to be a party before the Arizona Corporation Commission must be a  
24 party to the certification proceedings before the Committee.

25 ORDERED this 10<sup>th</sup> day of August, 2009.

26  
  
John Foreman, Chairman  
Arizona Power Plant and  
Transmission Line Siting Committee  
Assistant Attorney General



**From:** "Jason D. Gellman" <jgellman@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/11/2009 10:06 AM  
**Subject:** RE: North Loop Project - Form of notice for sign postings.

Thank you. Much appreciated.

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Tuesday, August 11, 2009 9:56 AM  
To: Jason D. Gellman  
Cc: Matt Derstine; Mary Ippolito; EBeck@tep.com; MJerden@tep.com; SBreslin@tep.com  
Subject: Re: North Loop Project - Form of notice for sign postings.

Mr. Gellman,

The Chairman has no problems with the proposed form of notice.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Jason D. Gellman" <jgellman@rdp-law.com> 8/11/2009 9:34 AM >>>  
Tara,

I have attached the proposed form of notice for the signs to be posted along the proposed routes for the Chairman's review and comment. Please let us know if he has any concerns or edits. Thanks.

Jason D. Gellman  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Phone: 602-256-6100  
Fax: 602-256-6800  
email: jgellman@rdp-law.com



# NOTICE OF PROJECT HEARING

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A state siting hearing for a transmission line  
project in this area will be held at:

**9:30 a.m., October 6, 2009**

**8:30 a.m., October 7, 2009**

**and**

**9:30 a.m., October 8, 2009**

**at the**

**Omni Tucson National Resort**

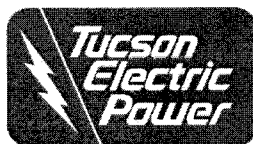
**2727 West Club Drive**

**Tucson, Arizona**

Public comment will be taken  
at the hearing as well as at

**6:00 p.m., October 6, 2009**

For more information, visit the  
Tucson Electric Power Company  
website at [tep.com](http://tep.com),  
or call (866) 961-6199.



A UniSource Energy Company

**From:** "Pearsall, Peri L." <PLP@gknet.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/11/2009 12:03 PM  
**Subject:** RE: FW: Notice of Hearing

Thanks very much, Tara!

Peri L. Pearsall  
Assistant to Michael M. Grant  
and James G. Busby, Jr.

Gallagher & Kennedy, P.A.  
2575 E. Camelback Rd., Suite 1100  
Phoenix, Arizona 85016-9225

Phone: 602-530-8402  
Fax: 602-530-8500  
E-mail: plp@gknet.com  
Web site: www.gknet.com

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-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Tuesday, August 11, 2009 11:51 AM  
To: Pearsall, Peri L.  
Subject: Re: FW: Notice of Hearing

Hi Peri,

Mr. Gellman's office told me that Mr. Jerden of TEP is handling the arrangements and should be blocking off a set of rooms for the hearing. They have not received the information yet or what name it's under, but I have asked them to let me know as soon as they do. I will forward you the information once I hear.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759

Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Pearsall, Peri L." <PLP@gknet.com> 8/11/2009 11:43 AM >>>  
Good morning, Tara! I hope your day's going well. Before I make reservations for Mike Grant at the Omni Tucson National Resort for the hearing on Oct. 6-8, do you know whether there are special rates for those involved with the hearing (other than the governmental rates)? Thanks very much! Peri

Peri L. Pearsall  
Assistant to Michael M. Grant  
and James G. Busby, Jr.

Gallagher & Kennedy, P.A.  
2575 E. Camelback Rd., Suite 1100  
Phoenix, Arizona 85016-9225

Phone: 602-530-8402  
Fax: 602-530-8500  
E-mail: plp@gknet.com  
Web site: www.gknet.com

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-----Original Message-----

From: Grant, Michael M.  
Sent: Tuesday, August 11, 2009 6:46 AM  
To: Pearsall, Peri L.  
Subject: FW: Notice of Hearing

Peri: For the file and docket. I've got it on my calendar. Also when

you get a chance make me a reservation for October 6 and 7 at the Omni.  
Thanks, Mike

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Monday, August 10, 2009 2:30 PM  
To: Lawrence Robertson; Janice Alward; Grant, Michael M.; Elizabeth Webb; Jason Gellman; J Derstine; Marcus Jerden  
Cc: Marta Hetzer; Pearsall, Peri L.; Mary Ippolito  
Subject: Notice of Hearing

Parties,

Please see the attached Notice of Hearing signed by the Chairman and filed today with Docket Control. Please also note the changes for an evening public comment session and tour time. Let me know if you have any questions.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**From:** "Mary Ippolito" <mippolito@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/11/2009 2:55 PM  
**Subject:** RE: #149 Procedural Order

Thank you.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Tuesday, August 11, 2009 2:54 PM  
To: Lawrence Robertson; Janice Alward; Michael Grant; Elizabeth Webb;  
Jason D. Gellman; Matt Derstine; Marcus Jerden  
Cc: Marta Hetzer; Peri Pearsall; Mary Ippolito  
Subject: #149 Procedural Order

Please see the attached, which was filed today with ACC Docket Control.  
Also, note that the Order states the pre-hearing conference has been set  
to take place at the Attorney General's Office on October 2nd at 2 PM.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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**BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY AND  
SOUTHWEST TRANSMISSION COOPERATIVE,  
INC. FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY FOR: (1) THE  
RECONFIGURATION OF AN EXISTING TEP 138  
KV LINE TO AN SWTC 115 KV LINE FROM THE  
EXISTING SAGUARO SUBSTATION IN SEC. 15,  
T.10S., R.10E. TO THE EXISTING TORTOLITA  
SUBSTATION IN SEC. 23, T.10S., R.10E., PINAL  
COUNTY, AND (2) THE RECONSTRUCTION OF  
TWO EXISTING TEP 138 KV LINES AND THE  
ADDITION OF ONE TEP 138 KV LINE AND ONE  
SWTC 115 KV LINE FROM THE EXISTING  
TORTOLITA SUBSTATION TO THE EXISTING  
NORTH LOOP SUBSTATION IN SEC. 9, T.12S.,  
R.12E. IN THE TOWN OF MARANA, PIMA  
COUNTY.

Arizona Corporation Commission

Docket No. L-00000C-09-0385-00149

Docket No. L-00000CC-09-0385-00149

Case No. 149

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14

**PROCEDURAL ORDER**

15 An application for a Certificate of Environmental Compatibility was filed in the  
16 above captioned matter with docket control of the Arizona Corporation Commission  
17 ("Commission") on August 4, 2009. A copy of the application was transmitted to John  
18 Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman  
19 ("Chairman") and Presiding Officer of the Arizona Power Plant and Transmission Line  
Siting Committee ("Line Siting Committee"). A.R.S. §§ 40-360.01(B) (1) and 40-360.03.  
As authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E),  
the Chairman issues the following procedural order,

20  
21

**IT IS ORDERED:**

- 22 1. The Applicant and all other potential parties ("persons" within the meaning of  
23 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
24 A.R.S. § 40-360.05(A)) shall advise the Chairman in writing on or before the time  
25 of the pre-hearing conference scheduled below if they disagree that the time limit  
26 for decision on the application by the Line Siting Committee set by A.R.S. §  
40.360.04(D) is February 1, 2010.
2. All "persons" within the meaning of A.R.S. § 40-360(8) who intend to intervene or  
request to intervene pursuant to A.R.S. § 40-360.05(A) that are listed as parties  
or potential parties on pleadings or procedural orders filed by the Applicant or the

1 Chairman shall notify Docket Control of their desire to receive pleadings and  
2 orders in this matter and shall regularly review the Docket Control file in this  
3 matter to make sure they have received all pleadings and procedural orders  
4 relating to this case. Neither the Line Siting Committee nor the Chairman has the  
5 authority to direct Docket Control to send one of the 25 copies of pleadings and  
6 procedural orders filed with Docket Control to prospective parties.

7 3. The Applicant shall arrange for the publication and posting of notice of the  
8 evidentiary hearing, as agreed to at the pre-application hearing involving the  
9 Applicant and all known potential interveners, in a form approved by the  
10 Chairman and circulated for approval as to form to all known potential interested  
11 parties. In addition, the Applicant shall submit a copy of the notice and present  
12 testimony describing the publication and posting of the notice at the evidentiary  
13 hearing.

14 4. The Applicant shall make arrangements for the evidentiary hearing to be held at  
15 the Omni Tucson National Resort, 2727 West Club Drive, Tucson, AZ 85742,  
16 (520)297-2271, beginning on October 6, 2009, at 9:30 a.m. and continuing, if  
17 necessary, on October 7, 2009, at 8:30 a.m. if a tour is conducted or at 9:30 a.m.  
18 if a no tour is conducted, and October 8, 2009, at 9:30 a.m. In addition, the  
19 Applicant shall make arrangements for a public comment session to be held at  
20 the same venue starting at 6:00 p.m. on Tuesday, October 6, 2009. The  
21 Applicant shall make arrangements for further regular sessions, if needed, and  
22 additional public comment sessions, if needed, on dates and at times to be  
23 determined later.

24 5. The Applicant shall contact Michael Kearns, Chief Finance Officer of the  
25 Commission, (602)-542-3931, and advise him of the Applicant's position  
26 concerning reimbursement of the Line Siting Fund should the expenses of the  
hearings exceed the application fee, and to discuss financial arrangements  
regarding hotel reservations and other expenses of the Line Siting Committee  
Members. A.R.S. § 40-360.10. The Applicant shall advise the Chairman of the  
results of these discussions so the necessary information may be communicated  
to the Line Siting Committee Members.

6. The Applicant and all other potential parties ("persons" within the meaning of  
A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
A.R.S. § 40-360.05(A)) shall meet and confer, on or before the beginning of the

1 evidentiary hearing to determine whether any of the intervening parties have  
2 similar interests in the application process that will allow them jointly to present  
3 testimony on direct or cross-examination of witnesses or jointly to offer exhibits  
4 into evidence. The Applicant shall, and any other potential party may, report to  
5 the Chairman the results of the attempts of the parties to resolve the issues and  
6 to determine if common interests exist that will allow parties to jointly present  
7 evidence and argument or to avoid repetition of testimony and argument at the  
8 hearing.

- 9
- 10 7. The parties and any other potential parties ("persons" within the meaning of  
11 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
12 A.R.S. § 40-360.05(A)) shall not communicate with any member of the Line  
13 Siting Committee about any procedural matters or any factual issues or legal  
14 issues relating to the Application while the Application is pending before the Line  
15 Siting Committee. The only exception is the parties may communicate with the  
16 Chairman, during the time the Application is pending, about procedural matters  
17 relating to the preparation of the Application for hearing, the hearing on the  
18 Application and the decision on the Application by the Line Siting Committee.  
19 Communication of the parties with the Chairman about any procedural matters,  
20 during the time an Application is pending, shall be in writing with a copy of the  
21 writing to all parties or known potential parties ("persons" within the meaning of  
22 A.R.S. § 40-360(8) who have expressed an intention to intervene or request to  
23 intervene pursuant to A.R.S. § 40-360.05(A)), or shall be on the record at a pre-  
24 application hearing, at a procedural hearing or at the hearing on the application.  
25 Any party who initiates any written communication sent to the Chairman shall  
26 file, with Docket Control of the Commission, a copy of the communication,  
including its distribution list, within 10 days of sending the communication.
8. Whenever an agenda is filed pursuant to A.R.S. § 38-431.02, all parties shall  
submit, at least forty-eight hours before the hearing or meeting described in the  
agenda, any objections, additions or corrections to the agenda, in order to bring  
the agenda into compliance with A.R.S. § 38-431.02, in writing to the Chairman,  
serve a copy upon all other parties and file a copy with Docket Control of the  
Commission.
9. In addition, all parties shall meet and confer as needed before, during and after  
the hearing to attempt to resolve any disputes amongst the parties. The parties  
also shall keep all other parties advised of their positions and intentions with  
regard to the presentation of evidence, witnesses and the application process in



1 general to avoid delay, the presentation of repetitive evidence and any unfair  
2 advantage from surprise.

3 10. All parties shall prepare brief summaries of the expected direct testimony of each  
4 witness they will call. In lieu of a testimonial summary, a party may pre-file and  
5 exchange all or substantially all of the direct testimony of any witness.  
6 Testimonial summaries and pre-filed testimony should be filed no later than the  
7 last pre-hearing conference or three business days before the witness is to  
8 testify, whichever is later. Except for good cause, no witness will be allowed to  
9 testify on direct examination concerning issues not reasonably identified in the  
10 pre-filed testimony or testimonial summary.

11 11. All parties shall meet, confer and exchange all exhibits the party plans to offer in  
12 evidence before the hearing or before they are referred to in testimony or offered  
13 in evidence. The Applicant shall, and other parties may, provide one or more  
14 three ring binders for the Chairman and each member of the Line Siting  
15 Committee to hold exhibits at the beginning of the hearing and as needed during  
16 the hearing. Each party shall prepare a numbered list of the exhibits and a copy  
17 of all exhibits suitable for placement in the binders that have been exchanged  
18 with the other parties that each party expects to offer in evidence at the hearing  
19 for the Chairman and each Line Siting Committee member. The exhibits shall be  
20 provided at the beginning of the hearing and during the hearing before reference  
21 to the exhibit is made in the hearing. Except for good cause, no exhibit that was  
22 not exchanged with the other parties shall be considered at the hearing. Any  
23 exhibit to which reference is made during any hearing that is not offered or  
24 admitted into evidence shall be provided to the court reporter at the evidentiary  
25 hearing for inclusion in the record unless it is withdrawn, and the Chairman  
26 determines its filing is not necessary to an understanding of the actions of the  
Committee.

12. All exhibits shall be consecutively numbered with the Applicant's exhibits  
denominated: TEP-1, TEP-2, etc. Each intervening party will be assigned by the  
Chairman a letter or letters of the alphabet as a preface with which to  
consecutively number its exhibits. For example, the Commission Staff will  
number its exhibits: CC-1, CC-2, etc.

13. The Applicant may make an opening statement at the beginning of the hearing of  
no more than thirty minutes. Each other party may make an opening statement  
of no more than five minutes.

1 14. Public comment will be heard after the opening statements and at other times set  
2 by the Chairman during the hearing. See ¶ 3, above.

3 15. In the event the Chairman determines that a tour is appropriate, the Applicant  
4 shall arrange for transportation of any Committee Members who wish to attend a  
5 tour of the locations where facilities proposed in the application or similar facilities  
6 are located. If a tour is held, it will begin at 8:30 am on October 7, 2009. The  
7 Applicant shall submit to the Chairman, for approval in advance of the hearing, a  
8 schedule and protocol agreed to by all parties for the tour. If all parties do not  
9 agree upon the schedule and protocol for the tour, the disagreements shall be  
10 submitted to the Chairman for resolution. The protocol shall identify the tour  
11 route, identify the location of any stops, and identify any witnesses who will  
12 accompany the tour. Counsel may ask brief explanatory questions of the  
13 identified witness or witnesses during the stops about the location, what can be  
14 seen from the location of the stop and the relevance of the location or view to the  
15 Application in the discretion of the Chairman. All witnesses who testify on the tour  
16 shall be sworn before their testimony. All questions and answers shall be before  
17 a court reporter. No testimony or discussion with or between Committee  
18 Members about the Application or matters relating to the Application will take  
19 place, except on the record before a court reporter at the designated stops. The  
20 protocol shall provide for access to any testimony presented at stops on a tour to  
21 members of the public. Members of the public who wish to attend the tour shall  
22 be encouraged to notify the parties or the appropriate staff of Arizona  
23 Corporation Commission in advance of their intention to attend.

24 16. Parties may present their witnesses in panels where appropriate. A party that  
25 intends to present witnesses in panels shall identify the members of any panel at  
26 the time it files its witness summaries.

17 17. The Applicant shall make arrangements for the preparation of expedited court  
18 reporter transcripts of all pre-application hearings, pre-hearing procedural  
19 hearings and the evidentiary hearing, so that the transcripts are available for  
20 public inspection within three working days after each hearing date, as required  
21 by A.R.S. § 38-431.01D and § 40-360.04C. In addition, the Applicant shall file a  
22 certification with Commission Docket Control that it has provided a copy of the  
23 transcripts to at least two public libraries identified in the certification that are in  
24 the vicinity of the application.

25 18. On or before the final pre-hearing procedural hearing set below, the Applicant  
26 shall, and the other parties may, file proposed findings of fact, proposed

1 conclusions of law, the wording of any proposed Certificate of Environmental  
2 Compatibility and the wording of any proposed conditions to the Certificate.

3 19.If the beginning of closing arguments and the Line Siting Committee's  
4 deliberations are more than one week after the beginning of the hearing, the  
5 parties shall meet and confer after the hearing begins and before closing  
6 arguments concerning proposed findings of fact, proposed conclusions of law, a  
7 proposed Certificate of Environmental Compatibility and the wording of any  
8 proposed conditions to the Certificate. If the parties are able to agree upon part  
9 or all of the proposed findings of fact, proposed conclusions of law, proposed  
10 forms of a Certificate of Environmental Compatibility and proposed wording of  
11 conditions to the Certificate, all that is agreed upon should be reduced to writing  
12 and filed with Commission Docket Control. If the parties are not able to agree  
13 completely, the Applicant shall, and all other parties may, file proposed findings  
14 of fact, proposed conclusions of law, proposed wording of a Certificate of  
15 Environmental Compatibility and proposed wording of conditions to the  
16 Certificate on the day before the beginning of closing arguments and the Line  
17 Siting Committee's deliberations.

18 20.If the Applicant or any other party proposes conditions based upon conditions  
19 used in prior cases, each proposed condition from a prior case shall contain the  
20 case number of the most recent prior Certificate of Environmental Compatibility  
21 using the language approved by the Commission.

22 21.All witness summaries, proposed findings of fact, proposed conclusions of law,  
23 proposed Certificates of Environmental Compatibility and proposed conditions of  
24 Certificates, shall be filed with Commission Docket Control pursuant to A.A.C.  
25 R14-3-204 and -205. If any documents that are filed are hand delivered during  
26 the hearing, eleven copies shall be submitted to the Chairman for distribution to  
the other Committee Members.

27 22. Within five business days after the hearing concludes and the Committee renders  
28 its decision, the parties shall meet and confer in person or electronically to  
29 determine if they can agree upon the final wording of a proposed Certificate of  
30 Environmental Compatibility. If the parties can agree upon the final wording of a  
31 proposed Certificate of Environmental Compatibility, Applicant shall file forthwith  
32 the agreed upon proposed Certificate of Environmental Compatibility to the  
33 Chairman for signature. If the parties are not able to agree upon a proposed  
34 form of Certificate of Environmental Compatibility, the Applicant shall file, and

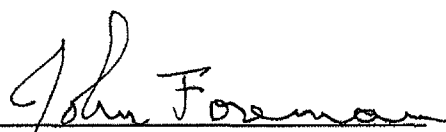
1 the other parties may file, within ten days after the date of the decision of the  
2 Committee, those portions of the proposed Certificate of Environmental  
3 Compatibility upon which the parties agree. The Applicant also shall file, and any  
4 other party also may file, its understanding of any disputed portions of the  
5 proposed Certificate of Environmental Compatibility. All proposed forms of the  
6 Certificate of Environmental Compatibility and any objections or proposed  
7 revisions shall be filed with Docket Control of the Commission, and a copy shall  
8 be hand delivered to the office of the Chairman at 1275 W. Washington,  
9 Phoenix, Arizona. Objections or suggestions that are not timely filed shall be  
10 considered waived. The copy of the proposed Certificate of Environmental  
11 Compatibility filed by the Applicant and any proposed revisions filed by the  
12 parties that are served upon the Chairman shall include an electronic file  
13 containing the wording of the proposed language in a format compatible with  
14 Microsoft® Word word processing program.

15 23. The Applicant and all other potential parties ("persons" within the meaning of  
16 A.R.S. § 40-360(8) who intend to intervene or request to intervene pursuant to  
17 A.R.S. § 40-360.05(A)) shall meet with the Chairman for a final pre-hearing  
18 conference on October 2, 2009, beginning at 2:00 pm at the offices of the  
19 Attorney General of Arizona at 1275 W. Washington, Phoenix, Arizona. Parties  
20 may appear by telephone with the prior permission of the Chairman. At the final  
21 pre-hearing conference, the Chairman will review with the parties:

- 22 a. The publication and posting of notices of the hearing;
- 23 b. The proposed agenda for the evidentiary hearing;
- 24 c. Any notices to intervene, applications to intervene, and applications to  
25 make a limited appearance;
- 26 d. The status of attempts to narrow the issues at the evidentiary hearing or to  
agree to language in the proposed findings of fact, proposed conclusions  
of law, proposed Certificates of Environmental Compatibility and proposed  
conditions to the Certificate;
- e. The status of the filing and exchange of witness summaries or written  
testimony, proposed findings of fact, proposed conclusions of law,  
proposed Certificates of Environmental Compatibility and proposed  
conditions to the Certificate;
- f. The status of the exchange of exhibits amongst the parties;
- g. Any objections, motions, responses and legal memoranda that have been  
filed;
- h. Plans and preparations for the hearing, public comment session, and tour  
of the proposed site.

1 IT IS FURTHER ORDERED, the Chairman may amend or waive any portion of  
2 this Procedural Order by subsequent Procedural Order, by ruling at a pre-hearing  
3 conference or at a hearing.  
4

5 DATED this 11<sup>th</sup> day of August, 2009  
6

7   
8 John Foreman  
9 Assistant Attorney General  
10 Chairman  
11 Arizona Power Plant and Transmission  
12 Line Siting Committee  
13 [john.foreman@azag.gov](mailto:john.foreman@azag.gov)  
14  
15  
16

17 Pursuant to A.A.C. R14-3-204,  
18 The Original and 25 copies were  
19 filed this 11<sup>th</sup> day of August 2009 with:

20 Docket Control  
21 Arizona Corporation Commission  
22 1200 W. Washington St.  
23 Phoenix, AZ 85007  
24

25 Copy of the above mailed  
26 this 11<sup>th</sup> day of August, 2009 to:

1 Janice Alward, Chief Counsel  
2 Arizona Corporation Commission  
3 1200 West Washington Street  
4 Phoenix, AZ 85007  
5 Counsel for Legal Division Staff

6 Jason Gellman  
7 J. Matthew Derstine  
8 Roshka, DeWulf & Patten, PLC  
9 One Arizona Center  
10 400 East Van Buren Street, Suite 800  
11 Phoenix, AZ 85004  
12 Counsel for Applicant, TEP

13 Michael Grant  
14 Gallagher & Kennedy, PA  
15 2575 East Camelback Road, Suite 1100  
16 Phoenix, AZ 85016  
17 Counsel for Applicant, SWTC

18 Lawrence V. Robertson, Jr.  
19 P.O. Box 1448  
20 2247 East Frontage Road  
21 Tubac, AZ 85646  
22 Counsel for Pinal County

23 Elizabeth Buchroeder-Webb  
24 17451 East Hilton Ranch Road  
25 Vail, AZ 85641

26 Marta T. Hetzer  
Arizona Reporting Service, Inc.  
2200 North Central Avenue  
Phoenix, AZ 85004-1481



**From:** Tara Williams  
**To:** Janice Alward(ACC); Jason Gellman(TEP); mderstine@rdp-law.com; mmg@gk...  
**Date:** 8/11/2009 3:34 PM  
**Subject:** RE: Pre-Hearing Conference - Line Siting 149

**CC:** azrs@az-reporting.com; M (TEP) Ippolito; Marc Jerden(TEP); plp@gknet.com  
Ms. Webb,

Yes, the Chairman has granted your request to appear by phone. At 2 PM on October 2nd, please call (602) 542-7704. That number will connect you directly to the conference room.

The phone number will need to change, however, if anyone else requests to attend via teleconference. I will let you know if it does.

Thank you,  
Tara Williams  
Assistant  
Consumer Protection & Advocacy Section  
Office of the Attorney General  
Tel: (602) 542-7759  
Fax: (602) 542-4377  
tara.williams@azag.gov

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>>> "Vail Arizona" <[vailaz@hotmail.com](mailto:vailaz@hotmail.com)> 8/11/2009 12:47 PM >>>

Ms. Williams,

Either date would be fine, especially if I could attend telephonically. Is that a possibility?

Thanks!

Elizabeth Webb  
Concerned Citizen  
Vail Arizona, 85641  
(520) 247-3838

Area Information:  
Vail Preservation Society [www.vailpreservationsociety.com](http://www.vailpreservationsociety.com)  
Hilton Road Community Association [www.hiltonroad.com](http://www.hiltonroad.com)  
Arizona SR 83 [www.azhighway83.com](http://www.azhighway83.com)  
Empire Fagan-Coalition [www.empirefagan.org](http://www.empirefagan.org)

Quote for the Day:

"I would much rather have regrets about not doing what people said, than regretting not doing what my heart led me to

and wondering what life had been like if I'd just been myself." Brittany Renee

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> From: [Tara.Williams@azag.gov](mailto:Tara.Williams@azag.gov)  
> To: [TubacLawyer@aol.com](mailto:TubacLawyer@aol.com); [JAlward@azcc.gov](mailto:JAlward@azcc.gov); [MMG@gknet.com](mailto:MMG@gknet.com); [vailaz@hotmail.com](mailto:vailaz@hotmail.com); [jgellman@rdp-law.com](mailto:jgellman@rdp-law.com); [MDerstine@rdp-law.com](mailto:MDerstine@rdp-law.com)  
> CC: [azrs@az-reporting.com](mailto:azrs@az-reporting.com); [PLP@gknet.com](mailto:PLP@gknet.com); [mippolito@rdp-law.com](mailto:mippolito@rdp-law.com); [MJerden@tep.com](mailto:MJerden@tep.com)  
> Date: Mon, 10 Aug 2009 11:56:28 -0700  
> Subject: Pre-Hearing Conference - Line Siting 149  
>  
> Parties,  
>  
> The Chairman would like to schedule the pre-hearing conference for Case #149. I understand Mr. Robertson is unavailable September 24th through the 28th.  
>  
> The Chairman is available October 1st or 2nd.  
>  
> Please let me know if either of those dates work for all of you.  
>  
> Thank you,  
> Tara Williams  
> Assistant  
> Consumer Protection & Advocacy Section  
> Office of the Attorney General  
> Tel: (602) 542-7759  
> Fax: (602) 542-4377  
> [tara.williams@azag.gov](mailto:tara.williams@azag.gov)  
>  
>  
>  
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>  
>



**From:** "Mary Ippolito" <mippolito@rdp-law.com>  
**To:** "Tara Williams" <Tara.Williams@azag.gov>  
**Date:** 8/13/2009 8:43 AM  
**Subject:** RE: Linesiting Hotel Information - #149

You're welcome.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com

-----Original Message-----

From: Tara Williams [mailto:Tara.Williams@azag.gov]  
Sent: Thursday, August 13, 2009 8:43 AM  
To: Mary Ippolito  
Subject: Re: Linesiting Hotel Information - #149

Thank you Mary!

Tara

>>> "Mary Ippolito" <mippolito@rdp-law.com> 8/13/2009 8:38 AM >>>  
Tara

I received the following information from Marc:

"I asked when reservations can start to be made, they expect no later than Friday and will let me know when its in the system. Tell Tara I will send out a message with all the info as soon as it's available."

If you have any questions, please let me know.

Mary Ippolito  
Roshka DeWulf & Patten PLC  
400 East Van Buren, Suite 800  
Phoenix, Arizona 85004  
(602) 256-6100 telephone  
(602) 256-6800 fax  
mippolito@rdp-law.com